

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31688 of 2020

Arising Out of PS. Case No.-165 Year-2020 Thana- FORBESGANJ District- Araria

1. Bablu Jaiswal @ Sanjit Kumar Jayswal @ Sanjit Jaiswal, Male, aged about 55 years, son of Dasharath Jaiswal, Village - Ward No. 11, Forbesganj, P.S.- Forbesganj, District - Araria.
2. Sanny Singh @ Sanni Singh @ Sandeep Singh, Male, aged about 32 years, Son of Late Billu Singh @ Sarjit Singh, Village - Subhash Chowk, Forbesganj, P.S.- Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Prasad Singh, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Anil Prasad Singh, learned counsel for the petitioners and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Forbesganj PS Case No.165 of 2020 dated 02.03.2020 instituted under Sections 406, 420, 294-A of the Indian Penal Code and 4/5 of the Bihar Ban on Lottery Act, 1993.

4. The allegation against the petitioners is that from the person, who was caught, some banned lottery note book, mobile and cash were recovered and on interrogation, he disclosed that he had got the same from the petitioners and had also sold it in the marketing yard.



5. Learned counsel for the petitioners submitted that they have not been caught and have been falsely implicated due to ulterior motive. It was submitted that the person, who was caught, has not signed on the seizure list.

6. Learned APP submitted that the petitioners were named as the persons who gave the banned lottery tickets to the person who was arrested and was selling it in the marketing yard and further, that they are also accused in similar case of the year 2019 and, thus, are in regular habit of indulging in such activities, which also affects the economy of the State.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

8. Accordingly, the application stands dismissed.

9. However, in view of submission of learned counsel for the petitioners, in the event the petitioners surrender and pray for bail within four weeks from today, the same shall be considered, on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

J. Alam/-

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