

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34862 of 2020

Arising Out of PS. Case No.-38 Year-2020 Thana- IMAMGANJ District- Gaya

SOHAR BHARTI, son of Vishu Bharti @ Vishu Bhuiya, Resident of village-
Kahto, P.S. Imamganj, District- Gaya ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Md. Javed Jafar Khan, Adv.
For the Opposite Party : Mr. Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 05-04-2021 As prayed for, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide it's note, dated 14.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Imamganj P.S. Case No. 38 of 2020, pending in the Court of the Special Judge, Excise, East, Gaya, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

On receiving secret information about keeping the liquor for selling at the occasion of Holi festival by Sohar Bharti (petitioner) in village Kahto, the informant and other police personnel reached there. On seeing the police party, one person, who had two plastic containers in hand started to flee away



throwing the containers. On search, each container found filled-up with 25 liters country made liquor. At that time, two persons were seen nearby the hut, who were Sanoj Bharti and Dular Chand Bharti.

Submission is that while it is alleged that near the hut of petitioner, two containers, each containing 25 liters country made liquor recovered, which are said to be thrown by the petitioner in fleeing condition. Further, submission is that the alleged house is the joint house of the petitioner.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected** with direction to the petitioner to surrender before the Court below and seek regular bail, which shall be considered by the trial Court on its own merit, without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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