

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35305 of 2020**

Arising Out of PS. Case No.-164 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Bashistha Rai @ Bashistha Kumar Rai, S/o Late Ram Bilas Rai R/o village-
Rajapur Govindpur, (Ward No. 6), P.S.- Bachhwara, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Smt. Sudha Ambastha, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

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

ORAL ORDER

2 09-04-2021 As prayed for, let the learned counsel appearing for the

petitioner remove the defect(s), as pointed out by the office vide

its notes dated 15.12.2020, within four weeks of starting of Court

proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection with

Case No. 164 C2 of 2019, registered under Section 30(a) of the

Bihar Prohibition and Excise (Amendment) Act, 2018, pending

in the court of the learned Addl. Sessions Judge (Spl. Judge

Excise Act), Begusarai.

The accusation is that in course of search of house and

premises of the petitioner, several bottles of Indian Made Foreign



Liquor in volume of 268.740 litres recovered behind the house of petitioner kept in a cemented ditch.

Learned counsel appearing on behalf of petitioner submits that it would appear from the prosecution report that the alleged bottles of Indian Made Foreign Liquor are not recovered from the house of the petitioner, rather, the same are recovered behind the house of the petitioner in a ditch. Further submission is that the aforesaid land was purchased by the petitioner before 20 days of the occurrence and he was not in possession of the said land.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, his prayer for grant of pre-arrest bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which shall be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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