

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.614 of 2021

Arising Out of PS. Case No.-80 Year-2020 Thana- SIWAIPATTI District- Muzaffarpur

1. AWADH LAL PRASAD S/O LATE MAHABIR BHAGAT RESIDENT OF VILLAGE NEKNAMA TENGRARI, P.S SIWAIPATTI, DISTRICT MUZAFFARPUR
2. DILEEP KUMAR S/O AWADH LAL PRASAD RESIDENT OF VILLAGE NEKNAMA, PS SIWAIPATTI, DISTRICT MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand

For the Opposite Party/s : Ms. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 24-08-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 01.01.2021, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Siwaipatti P.S. Case no. 80 of 2020, registered under Sections 272, 273 and 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that on receiving secret information about selling of illicit liquor by Dileep Kumar



(Petitioner No.2) and his father Awadh Lal Prasad (Petitioner No.1) in village-Neknama, the informant along with other Police personnel reached there. On seeing the Police party, two persons started fleeing, while they were chased, but they managed to escape from there. The persons present there disclosed the name of both persons as Dileep Kumar (Petitioner No.2) and Awadh Lal Prasad (Petitioner No.1). On search of house, several bottles of Indian Made Foreign Liquor in volume of 88.560 Litres recovered from the bedroom of Dileep Kumar (Petitioner No.2).

Learned counsel for the petitioners submits that it would appear from the F.I.R. that seized Indian Made Foreign Liquor recovered from the bedroom of Dileep Kumar (Petitioner No.2), who is son of petitioner No.1 Awadh Lal Prasad. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner No.1, namely, Awadh Lal Prasad be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Siwaipatti P.S. Case No. 80 of 2020, subject to the condition as



laid down under Section 438 (2) of the Cr.P.C.

So far as pre-arrest bail of petitioner No.2, namely, Dileep Kumar is concerned, 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 No.2, namely, Dileep Kumar. Accordingly, his prayer for grant of pre-arrest bail stands **rejected**. The petitioner No.2 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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