

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4664 of 2021

Arising Out of PS. Case No.-112 Year-2020 Thana- MAHINDWARA District- Sitamarhi

1. JEETENDRA RAI @ JITENDRA KUMAR S/o RAM PRASAD RAI
Resident of Vill. - Bilandpur, P.S. - Mahindwara, Dist. - Sitamarhi.
2. Amrendra Kumar S/o Naresh Rai Resident of Village - Larsama, P.S. - Riga,
District - Sitamarhi.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners : Mr.Virendra Kumar, Advocate.
For the State : Ms. Meena Singh, A.P.P.

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

ORAL ORDER

2 20-07-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 15.01.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Jeetendra Rai alias Jitendra Kumar, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Jeetendra Rai alias Jitendra Kumar, to grant him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Jeetendra Rai alias Jitendra Kumar.



Permission is accorded.

This application in respect of the petitioner no.1, namely, Jeetendra Rai alias Jitendra Kumar, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Amrendra Kumar, to grant him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.2, above named, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.2, above named, apprehends his arrest in connection with Mahindwara P.S. Case No.112 of 2020 registered under Section 414 of the Indian Penal Code besides Sections 30(a) (b) (c) (f), 36, 37 and 41 of the Bihar Excise Act, pending in the court of the Additional Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi.

The accusation is that on receiving the secret information about doing the business of illicit liquor, raid was conducted by the informant along with other police personnel. At that time, bottles of liquor were recovered from several vehicles including Sumo Victa vehicle bearing Registration No.BR02P-0521 from which 600 bottles, each containing 375 ml. Indian Made Foreign Liquor, were recovered.

Learned counsel for the petitioner no.2, above named,



submits that the petitioner no.2, above named, was not apprehended on the spot nor any incriminating has been recovered from his possession. Only it is alleged that the said Sumo Victa vehicle from which the alleged recovery is said to be made is belonging to the petitioner no.2, above named.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner no.2, above named, I am not inclined to grant anticipatory bail to the petitioner no.2, above named. Accordingly, the prayer of the petitioner no.2, above named, for grant of anticipatory bail stands rejected. However, the petitioner no.2, above named, is directed to surrender before the trial court within four weeks from today 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.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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