

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14104 of 2021

Arising Out of PS. Case No.-305 Year-2020 Thana- LALGANJ District- Vaishali

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1. Jitendra Rai, male, aged about 32 years, Son of Late Jaglal Rai
 2. Shambhu Rai, male, aged about 40 years, Son of Late Sathu Rai
- Both are Resident of Village- Sarariya, P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 03-01-2022 Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Lalganj P.S. Case No. 305 of 2020 instituted for the offences under Sections 30(a) (d) (e) (f), 32(ii) and 41(ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

After some arguments, Mr. Shyameshwar Kumar Singh, the learned Advocate for the petitioners seeks



permission to withdraw the application of petitioner No. 1, namely, Jitendra Rai in order to enable him to surrender before the Court below and seek bail.

Permission is granted.

Should he surrender before the Court below and seek bail, the Court below shall consider his case on its own merits, without being prejudiced by the fact that the present anticipatory bail application on his behalf has not been entertained by this Court.

The application with respect to petitioner No. 1 is dismissed as withdrawn.

So far as the petitioner No. 2, namely, Shambhu Rai is concerned, he is sought to be prosecuted in this case on the basis of the statement made before the police party by an arrested accused person as one of the persons who had run away at the time of raid.

It has been submitted on behalf of petitioner No. 2 that he is a person of clean antecedent and the only material against him is the statement of an arrested accused person. It has further been submitted that the place of recovery does



not belong to him.

For the reasons afore-stated, the petitioner No. 2, namely, Shambhu Rai, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-Cum-Excise Court, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 305 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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