

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70804 of 2021

Arising Out of PS. Case No.-98 Year-2020 Thana- JADOPUR District- Gopalganj

1. Ekbal Ali Son of Nabab Mian Resident of Village - Bagaha, P.S.- Jadopur, Distt.- Gopalganj.
2. Dilsad Ali Son of Nabab Mian Resident of Village - Bagaha, P.S.- Jadopur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-07-2022 This application has been listed under the heading
“For Orders”.

Registry has pointed out several defects in the present application.

Mr. Umesh Kumar Singh, learned counsel for the petitioners submitted that the defects are mainly because only e-filing of the applications are permitted by the Court. He submitted that the defects can be removed only after filing of hard copy is permitted. He undertook that even if the applications are heard and disposed of on merit, in due course of time, when the Court would permit filing of hard copy, the defects pointed out by the registry would be removed.



In view of the submissions made by the learned counsel for the petitioners, with consent of the parties, the application has been taken up for hearing on merit.

In the present application preferred under Section 438 of the Code of Criminal Procedure, the petitioners have prayed for grant of pre-arrest bail in connection with Jadopur P.S. Case No.98 of 2020, G.R. No.2193 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 504 and 506 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that though the first information report of Jadopur P.S. Case No.98 of 2020 was registered *inter alia* under Sections 307 and 379 of the Indian Penal Code, learned Additional Sessions Judge-II, Gopalganj mentioned in his order dated 20.01.2021 whereby the prayer for pre-arrest bail of the petitioners was rejected that the petitioners are apprehending their arrest in connection with a case registered under Section 30(a) of the Bihar Prohibition & Excise Act, 2018. He submitted that there is no proper application of mind by the court below.

On perusal of the impugned order, I find the contention of the learned counsel for the petitioners to be correct.



Accordingly, the order dated 20.01.2021 passed in ABP No.1855 of 2020 is set aside. The matter is remanded back with a direction to the learned Additional District & Sessions Judge-II, Gopalganj to fix a date of hearing in ABP No.1855 of 2020 within two weeks from the date of receipt or production of a copy of this order and pass order on merits after hearing the parties in accordance with law.

It is made clear that this Court has not looked into the merit of the application.

The application stands disposed of.

(Ashwani Kumar Singh, J)

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