

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47755 of 2016

Arising Out of PS.Case No. -455 Year- 2016 Thana -BIHTA District- PATNA

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1. Panchratan Rai.
2. Jot Rai.
Both sons of Ram Bharosi Rai @ Ram Bharosa Rai
3. Kaila Yadav @ Kalika Yadav son of Raisa Yadav.
4. Gorakh Rai son of Shankar Rai.
5. Dilip Kumar son of Sanjay Yadav.
All Residents of Village- Modahi, Police Station- Bihta, District- Patna.
..... Petitioner/s

Versus

1. The State of Bihar
..... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Subhash Kumar
For the Opposite Party/s : Mr. Sri Shailendra Kumar -2
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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 19-11-2016 Heard.

Petitioners, apprehending their arrest in Bihta P.S.
Case No. 455 of 2016 registered under Sections 47/50(C)/51 of the
Bihar Excise Act, 2016, have prayed for grant of anticipatory bail.

A secret information was received that few wine
bhathis were operating on the banks of river. The Police after
constituting a raiding team went to the place of occurrence and
recovered huge amount of *mahua* and *gur* therefrom. Four bhathis
in operational condition were also found. The other accused
persons escaped. However, one accused was arrested in whose
presence seizure was effected. The accused found at the place of
occurrence gave out name of the petitioners as those involved in

the manufacture and sale of *mahua* wine. From the statement made in paragraph-3 of the application, it appears, the petitioner nos. 1 and 2 have criminal antecedents of identical nature.

Learned APP placed the F.I.R. as well as the order of the learned Sessions Judge wherefrom it appears that during the course of investigation, the witnesses have supported the case.

In my view, it is not a fit case for grant of anticipatory bail. Prayer is rejected. If the petitioners surrender and pray for bail, the same shall be considered on its own merit in accordance with law unprejudiced by the present order.

(Kishore Kumar Mandal, J)

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