

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9863 of 2016

Arising Out of PS.Case No. -116 Year- 2015 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

- =====
1. Anish Kumar son of Arun Kumar resident of Shinghaul Kothi Lakhibagh P.S. Mofassil, District- Gaya.
 2. Vaibhav Kumar son of Ashok Kumar Singh resident of Village Bairka, P.S. Atri District- Gaya.
 3. Sonu Kumar son of Sunil Kumar Singh resident of Lakhi Bagh P.S. Mofassil District- Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha

For the Opposite Party/s : Mr. Ram Anurag Singh (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 17-05-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection
with Magadh Medical College Hospital P. S. Case No. 116 of
2015 for offence alleged under Section 47A of the Excise Act.

The prosecution case as lodged by the informant is
that the accused / petitioners Anish Kumar was the proprietor of
the Royal Bihari Restaurant Bypass Paharpur, Gaya. The
petitioner Vaibhav Kumar and Sonu Kumar were the partners
of the Royal Bihari Restaurant. The informant received
information that a beer bar was going on in the restaurant. Upon



this information, the informant along with police personnel arrived there. Seeing the police, the petitioners fled away. A search was made in the restaurant and the informant seized royal stag whisky wine 7 bottles each 750 ml., two bottles royal stag whisky wine each 180 ml. and 20 bottles beer each 650 ml. A seizure list was also prepared there.

It has been submitted by the learned counsel for the petitioners that they are innocent and nothing has been recovered from the conscious possession of these petitioners. He further submits that small quantity of alcohol was recovered from the restaurant of the petitioners and being the first offender in the aforesaid case, they be enlarged on bail. He further submits that the petitioners have two more cases pending against them but under different sections.

However, the learned APP for the State submits that the petitioners are named in the F.I.R., hence, opposes the prayer of bail.

Be that as it may, considering that the petitioners are first offender and small quantity of liquor found, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs.

10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, IVth, Gaya in connection with Magadh Medical College Hospital P. S. Case No. 116 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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