

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 33337 of 2018

Arising Out of PS. Case No.-183 Year-2017 Thana- Kalyanpur District- Samastipur

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1. Rahul Kumar, Son of Ramashish Rai, Resident of Village- Manorathpur, Police Station- Kalyanpur, District- Samastipur.
 2. Sumit Kumar, Son of Ram Shanhi Ram @ Ram Sanehi Yadav, Resident of Village- Manorathpur, Police Station- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 26-06-2018 Heard Sri Bijay Bhushan Prasad, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioners, apprehending their arrest in Kalyanpur P.S. Case No. 183 of 2017 registered for offence under Sections 272, 273 of the Indian Penal Code and Sections 30, 38 of the Bihar Prohibition and Excise Act, 2016, have prayed for grant of bail in the event of their arrest or surrender.

At the very outset, learned counsel for the petitioners has drawn my attention to statement made in paragraph 3 of the petition to show that petitioners are having clean antecedent. It has also been argued that in this case, recovery of huge quantity of Indian make foreign liquor was shown from an orchard,



which was not at all belonging to the petitioners, however; petitioners have been arrayed as accused, as if, after noticing police, they were fleeing away. Besides this, there is no other material.

Considering the fact that petitioners are having clean antecedent and nothing was recovered either from their possession or from their premises, there is no reason to refuse the prayer for anticipatory bail.

Accordingly, in the event of their arrest or surrender within a period of six weeks from today, let both petitioners namely Rahul Kumar and Sumit Kumar be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Addl. Sessions Judge-cum-Special Judge, Samastipur in connection with Kalyanpur P.S. Case No. 183 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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