

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38038 of 2018

Arising Out of PS. Case No.-123 Year-2018 Thana- Sirdalla District- Nawada

1. Binod Rajbanshi, Son of Late Lalo Rajbanshi
2. Suresh Rajbanshi, Son of Late Lalo Rajbanshi
All resident of Village Lond, P.S. Sirdalla District Nawada.
... .. Petitioner/s

Versus

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

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma
For the Opposite Party/s : Smt. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 04-07-2018 At the very outset, Sri Pramod Kumar Verma, learned counsel for the petitioners, in presence of Smt. Sharda Kumari, learned Addl. Public Prosecutor, requests for allowing him to make correction in respect of father's name of both the petitioners. The prayer is allowed. It may be done in course of the day.

Heard learned counsel for the petitioners and learned Addl. Public Prosecutor.

Two petitioners, apprehending their arrest in Sirdalla P.S. Case No. 123 of 2018 registered for offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016, have prayed for grant of anticipatory bail.

At the very outset, learned counsel for the petitioners, by way of referring to statement made in paragraph – 3 of the petition, submits that both petitioners are having clean antecedent. It has also been argued that in this case, nothing was



recovered from conscious possession of the petitioners, rather in the case, recovery of 8 litres of *Mahua* liquor was show from the side of the road and only on suspicion, petitioners have been made accused.

Learned Addl. Public Prosecutor has opposed the prayer, however; she has not disputed the fact that in this case, recovery was made from the side of the road.

Considering the nature of accusation, clean antecedent as well as the fact that recovery was not effected from possession of the petitioners, in the event of their arrest or surrender within a period of six weeks from today, let both aforesaid petitioners namely Binod Rajbanshi and Suresh Rajbanshi 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 A.D.J. 2nd cum Special Judge, Nawada in connection with Sirdalla P.S. Case No. 123 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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