

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5120 of 2018

Arising out of PS. Case No.-186 Year-2017 Thana- EKANGARSARAI District- Nalanda

Krishna Singh, S/o Binda Singh, Resident of Village- Chotki Dhaba, P.S.-
Ekangar Sarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

Criminal Miscellaneous No. 4917 of 2018

Arising Out of PS. Case No.-186 Year-2017 Thana- EKANGARSARAI District- Nalanda

1. Sonu Kumar,
2. Monu Kumar Both above are S/o Ram Ratan Sharma @ Pappu Singh,
3. Roshan Pandey S/o Binda Singh, All above are R/o village-
Chotki Dhaba, P.S.- Ekangar Sarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 5120 of 2018)

For the Petitioner/s : Mr. Ambuj Nayan Chaubey

For the Opposite Party/s : Mr. SRI UDAY CHAND PRASAD

(In Criminal Miscellaneous No. 4917 of 2018)

For the Petitioner/s : Mr. Uday Shankar Choudhary

For the Opposite Party/s : Mr. SRI BISHESHWAR RAM

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-02-2018 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Ekangar Sarai P.S. Case No. 186 of 2017
registered for the offence punishable under Sections 272 and



273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 160 litres of illicit foreign liquor and 30 litres of country made liquor from the pond situated in a *gair majarua* land. It is further alleged that the said pond is under the control of the petitioner of the first case and he manages the affairs.

The learned counsel for the petitioners submits that as far as the petitioners of both the cases are concerned, no recovery has been made from their conscious possession and as far as the petitioner of first case is concerned, he is neither the owner of the said pond nor he has got any control over the said pond. It is further submitted that the petitioners of second case are also not connected in any manner whatsoever with the said pond and are also not the owner thereof. It is further submitted that the petitioners are having a clean antecedent.

Considering the nature of accusation and the fact that prima facie no case is made out under the provisions of the Excise Act, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order



on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Session Judge-VI-cum-Special Judge, Excise, Nalanda, Bihar Sharif in connection with Ekangar Sarai P.S. Case No. 186 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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