

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32585 of 2018

Arising Out of PS. Case No.-120 Year-2018 Thana- GOVT. OFFICIAL COMPLAINT CASE
District- Sheikhpura

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1. Balmiki Ram, son of Late Kalim Ram
2. Umesh Ram , son of Late Nepali Ram
Both resident of Village - Ghatkusumbha (Dakshin Tola),
Police Station - Korma, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Sri Mustaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 26-06-2018 Heard Sri Nilendu Kumar Choudhary, learned
counsel for the petitioners and Sri Mustaque Alam, learned
Additional Public Prosecutor.

Two petitioners, who are having clean antecedent ,
which fact has been stated in paragraph no. 3 of the petition,
apprehending their arrest in connection with Excise Case No.
120C2 of 2018, registered for the offence under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016 , have prayed for
grant of bail in the event of their arrest or surrender.

Learned counsel for the petitioners at the very outset
by way of referring to the F.I.R. submits that in this case
nothing was recovered either from conscious possession of
petitioners or from their houses, rather in the case recovery was



shown from outside house of both petitioners and petitioners have been made accused.

Learned Additional Public Prosecutor though has opposed the prayer for grant of anticipatory bail, he was not in a position to satisfy the court as to whether liquor was found either in the house of petitioners or in their conscious possession.

In view of the facts and circumstances, the court is of the opinion that there is no reason to refuse the prayer for grant of anticipatory bail to petitioners. Accordingly, in the event of their arrest or surrender within a period of six weeks from today, let both the petitioners (1) Balmiki Ram and (2) Umesh Ram be enlarged on bail 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 1st Addl. District & Sessions Judge, Sheikhpura / concerned court in connection with Excise Case No. 120C2 of 2018 subject to the conditions as contemplated under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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