

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4102 of 2019

Arising Out of PS. Case No.-138 Year-2018 Thana- DAWATH District- Rohtas

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1. Raj Kumar @ Kumar @ Raj Kumar Singh, aged about 28 years, Male, son of Sipahi Singh, Resident of Village-Kawai, Police-Station-Dawath, District-Rohtas
 2. Bikash Kumar, aged about 22 years, Male, son of Dhaneshwar Singh, Resident of Village-Kawai, Police-Station-Dawath, District-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta

For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioners. No one appears for the State to oppose this application.

Petitioners are seeking anticipatory bail in connection with Dawath P.S. Case No. 138 of 2018 registered for the offences punishable under Sections 30(a), 35 and 38 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that so far as petitioner no. 1 is concerned, he has got no criminal history. The alleged recovery of illicit liquor is from open field with which the petitioners have no concern. It is submitted that it is a case of false implication.

Considering the facts and circumstances of the case



wherein the petitioner no.1 has no criminal history and the alleged recovery is from open field with which petitioner no.1 has nothing to do, as submitted, let in case of arrest or surrender of the petitioner no.1 within a period of four weeks from today, the abovenamed petitioner be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram in connection with Dawath P.S. Case No. 138 of 2018, subject to the condition that he shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

So far as petitioner no.2 is concerned, considering that the petitioner no.2 has got criminal history and earlier one case being Dawath P.S. Case No.89 of 2017 was registered under the provisions of the Excise Act, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no.2. In case, he surrenders in the court below within a period of four weeks from today and prays for regular bail, the same shall be considered on its own merit without being prejudiced by the



order of this Court.

(Rajeev Ranjan Prasad, J)

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