

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9996 of 2019

Arising Out of PS. Case No.-88 Year-2018 Thana- PIPRAKOTHI District- East Champaran

1. Lal Babu Rai, S/o Hardeo Rai
 2. Lakhindra Rai @ Lakhindra Kumar Yadav, S/o Nandu Rai
 3. Madho Rai @ Madhav Kumar, S/o Shivperson Rai
 4. Vijay Rai, S/o Prabhu Rai,
- All are resident of village-Mathiya Bariyarpur, P.S.-Piprakothe, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners are seeking anticipatory bail in connection with Piprakothe P.S. Case No. 88 of 2018 registered for the offences punishable under Sections 272 and 273/34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that there is no recovery of illicit liquor from the possession of these petitioners in any form. It is submitted that, in fact, Bagar Rai, from whose possession the illicit liquor has been recovered, has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr.Misc.No.50653 of 2018. It is



further submitted that the petitioner no.2, 3 and 4 have got no criminal antecedent, whereas petitioner no.1 has got one case of similar nature in which he was involved on the basis of confessional statement of the co-accused.

Learned APP for the State is present and has opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case wherein it is the submission that the name of the these petitioners have transpired in the confessional statement of the co-accused and there is no recovery from the house of these petitioners and that petitioner nos. 2 to 4 have no criminal antecedent, let, in case of arrest or surrender of the petitioner nos. 2 to 4 within a period of four weeks from today, the petitioner nos. 2 to 4 be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran at Motihari in connection with Piprakothi P.S. Case No. 88 of 2018, subject to the condition that they 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.1 is concerned, since this Court finds that his name has transpired in the confessional statement in connection with Piprakothi P.S. Case No.29 of 2018, the offence being similar nature, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no.1. His prayer for anticipatory bail is refused. In case, he surrenders and prays for regular bail in the court below within a period of four weeks from today, the same shall be considered on its own merit without being prejudiced by the order of this Court.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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