

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8666 of 2019

Arising Out of PS. Case No.-481 Year-2018 Thana- PUPRI District- Sitamarhi

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1. Ram Janam Rai, Male, aged about 22 years,
 2. Barun Gandhi, Male, aged about 32 years, both are S/o Shri Ram Shresth Rai,
R/o Village- Khoriya , P.S- Pupri,(Choraut O.P), District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2019 Heard learned counsels for the petitioners and the
State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the self statement of Vikash Kumar, A.S.I.-cum-O.P. Incharge, Chaurat O.P., recorded on 05.08.2018 is to the effect that on 04.03.2018, while the informant was on patrolling duty, he received a secret information about selling and transportation of Nepali liquor, whereupon raid was laid, when some persons were found carrying bag on their head, but after seeing the police personnel,



after throwing the bag, they escaped from the scene. Local Chaukidar disclosed the name of the petitioners and other co-accused persons who escaped from the scene. From the bag, 110 litres of Nepali liquor were recovered.

It is submitted by learned counsel for the petitioners that even assuming the accusation to be true, the recovery has not been made from the possession of the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that name of the petitioners have been disclosed by the local Chaukidar.

Considering the fact that accusation does not suggest that recovery has been made from the possession of the petitioners, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Addl. District Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Pupari P.S. Case No. 481 of 2018,



subject to the condition as laid down under Section 438(2) of
the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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