

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14706 of 2019

Arising Out of PS. Case No.-247 Year-2018 Thana- EKANGARSARAI District- Nalanda

1. Sumendra Prasad, Son of Late Bhorik Prasad, Resident of Village - Bisapur, P.S.- Ekangarsarai, District - Nalanda
2. Bijendra Prasad, Son of Late Bhorik Prasad, Resident of Village - Bisapur, P.S.- Ekangarsarai, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-07-2019 This is an application for grant of anticipatory bail in connection with Ekangarsarai P.S. Case No. 247 of 2018, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution story disclosed that the informant ASI Ashok Paswan got a secret information that petitioners and other accused persons are selling the illicit liquor and on that, police party raided the house of one Upendra Prasad and he was arrested by the police, who disclosed the name of the petitioners, who fled away from the house of Upendra Prasad, from where 15 liters of illicit liquor was recovered.

Submission of the learned counsel for the petitioners is that the F.I.R. itself shows that there is no recovery from the



house of the petitioners and whatever allegation is against them, the same is only on the basis of suspicion. The name of the informer has not been mentioned in the F.I.R. Further submission is that petitioners have no criminal antecedent.

Heard learned A.P.P. also.

Having heard both sides, considering the fact that there is no substance against the petitioners that there is any recovery made from their house and they have no criminal antecedent, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of learned Additional Sessions Judge-VI-cum- Special Judge Excise Court, Nalanda at Biharsharif, in connection with Ekangarsarai P.S. Case No. 247 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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