

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20147 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- MINAPUR District- Muzaffarpur

1. Dharmendra Kumar @ Dhamadra Yadav Son of Shivji Rai Resident of Village- Sahpur, P.S.- Minapur, District- Muzaffarpur.
2. Sameer Kumar Son of Nawal Rai Resident of Village- Manikpur Maksudpur, P.S.- Minapur, District- Muzaffarpur.
3. Nawal Rai @ Nawal Kishor Rai Son of Ganga Rai Resident of Village- Manikpur Maksudpur, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan
For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 07-05-2019 At the very outset, learned counsel for the petitioners submits that he is not pressing the application with respect to petitioner no.2, as such, this application with respect to petitioner no.2 is dismissed as withdrawn.

So far petitioner nos.1 and 3 are concerned, this is an application for grant of anticipatory bail in connection with Minapur P.S. Case No. 01 of 2019, disclosing offences under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 38, 41 and 48 of the Bihar Prohibition and Excise Act, 2016.

Allegation as per F.I.R. is of recovery of 772.56 liters liquor from the vacant land of the petitioner no.1 and in the



torch light Chokidar has identified the petitioners.

Submission of learned counsel for the petitioners is that the recovery is from vacant land and the story of identification of the petitioners in the torch light does not inspire confidence.

Heard learned A.P.P. also, who opposed the prayer for anticipatory bail of the petitioners on the ground that the land is of petitioner no.1 from where the recovery is made and the Chokidar has also identified him.

Having heard both sides, so far petitioner no.1 is concerned, I am not inclined to grant anticipatory bail to the petitioner no.1, rather he should surrender and make prayer for regular bail, which will be considered on its own merit, if possible, to be disposed of on the same day.

So far petitioner no.3 is concerned, considering the fact that he has 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 each to the satisfaction of learned Special Judge Excise, Muzaffarpur, in connection with Minapur P.S. Case No. 01 of



2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

Amjad/-

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