

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20867 of 2019

Arising Out of PS. Case No.-340 Year-2018 Thana- KOTWA District- East Champaran

1. RAVINDRA RAI Son of Ganesh Rai, Resident of Village-Dipau, P.S-Kotwa, District-East Champaran.
2. Banka Rai Son of Ganesh Rai, Resident of Village-Dipau, P.S-Kotwa, District-East Champaran.
3. Jokhan Rai Son of Bhagelu Rai, Resident of Village-Dipau, P.S-Kotwa, District-East Champaran.
4. Bachcha Rai Son of Bhagelu Rai, Resident of Village-Dipau, P.S-Kotwa, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 04-04-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 353, 427, 435, 504, 506, 272,273,34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from the roof of the hutment of



petitioner no.1, Ravindra Rai, 180 ml of Indian Made Foreign Liquor was recovered.

It is submitted by learned counsel for the petitioners that admittedly, the recovery has been made from the roof of the hutment, hence, it cannot be treated from the conscious physical possession of the petitioners and there is no specific accusation against petitioner nos. 2 and 3. Though petitioner no.1 is accused in one other case apart from the present case, but petitioner nos. 2 and 3 are not having any criminal antecedent. A statement to that effect has been made in paragraph no.3 of the petition.

It is submitted by learned APP for the State that the said recovery has been made from the roof of the hutment of petitioner no.1.

Considering the quantity of recovery, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran in connection with Kotwa P.S. Case No.340 of



2018, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

