

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80244 of 2018

Arising Out of PS. Case No.-111 Year-2018 Thana- SARAI RANJAN District- Samastipur

1. Pappu Ray and Anr Son of Kameshwar Ray.
2. Akhilesh Ray @ Akhilesh Kumar Ray, S/o Ram Pravesh Ray, Both resident of Village- Sarairanjan Dih, P.S. Sarairanjan, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Smt. Asha Devi

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-01-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for anticipatory bail, arises out of Sarairanjan Police Station Case No. 111 of 2018, disclosing offences punishable under Sections 272, 273, 353, 504, 506 of the Indian Penal Code and Section 45, 30(a), 38(i) and 38(2) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel, appearing on behalf of the petitioners, appears to be correct in his submission that the allegation against the petitioners does not constitute offence under Sections 45, 30(a), 38(i) and 38(2) of the Bihar Prohibition and Excise Act, 2016, and it is alleged against them that they created hindrance in arrest of the persons, who were



involved in trade of illicit liquor. On perusal of the FIR, I find the submission of learned counsel for the petitioners to be correct. No offence under the provisions of Bihar Prohibition and Excise Act, 2016 is made out against the petitioners. Considering vague notice of allegation against the petitioners, 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. 10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of the learned A.D.J. 3rd-cum-Special Judge, Excise Act, Samastipur in connection with Sarairanjan Police Station Case No. 111 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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