

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33750 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- KHAGAUL District- Patna

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1. RAVI KUMAR Son of Parmanand Prasad Resident of Village - Mohammadpur, P.S.- Phulwari Sharif, District - Patna.
 2. Lalit Kumar Son of Parmanand Prasad Resident of Village - Mohammadpur, P.S.- Phulwari Sharif, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Khagaul Police Station Case No. 81 of 2019, disclosing offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that on a secret information, the police raided the house of co-accused Shatrudhan Prasad and recovered 2.850 litres of illicit liquor from his house and on search around the house of the co-accused, the police recovered 6.910 litres of illicit liquor from three vehicles standing near the house of co-



accused, Shatrudhan Prasad.

Learned Counsel for the petitioners submits that the petitioners have been implicated in this case merely on the basis of a secret information. He submits that from perusal of the First Information Report and the seizure list, it is apparent that no recovery of illicit liquor has been made either from the conscious possession of the petitioner or from their vehicles or from their house. He submits that the vehicles, in question, from where illicit liquor was recovered, do not belong to the petitioners and the petitioners are not the owners of the said vehicles.

After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor has not been recovered either from the premises of the petitioners or from their vehicles or from conscious possession of the petitioners, in my opinion, no *prima facie* case is made out against the petitioners under the provisions of the Act. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the



satisfaction of learned Special Judge, Excise, Patna, in connection with Khagaul Police Station Case No. 81 of 2019 (Special Case No. 3368 of 2019), 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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