

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31281 of 2019

Arising Out of PS. Case No.-103 Year-2019 Thana- BRAHMPURA District- Muzaffarpur

1. MONU TIWARY @ VIPUL RAJ Son of Sudhir Tiwary Resident of Bada Vishwkarma Mandir Gali Ward No. 03, P.S.- Brahampura, District- Muzaffarpur
2. Bhanu Pratap Dev Son of Kiran Pratap Dev Resident of Village - Neura, Minapur, Presently residing at New Colony, Sanjay Cinema Road, P.S.- Brahampura, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lalan Kumar
For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 22-07-2019 Heard learned counsel for the parties.

The petitioners are apprehending their arrest in connection with Brahmapura (Muzaffarpur) P.S.Case No.103 of 2019 registered for offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

Self-statement of the S.I. discloses allegation that he received secret information that the petitioners are engaged in trade of liquor, on that information, he reached near the house of the petitioner no.1 and saw two persons going with the bag and seeing the police party they started fleeing away throwing bag and the petitioners succeeded in fleeing away, however, from the bag 1.600 lts. liquor were recovered and the villagers



disclosed the name of the petitioners, who fled away.

Submission of the learned counsel for the petitioners is that nothing has been recovered from the conscious possession of the petitioners and they have falsely been implicated in this case, having no criminal antecedent.

Heard learned A.P.P. , who has opposed the prayer for bail stating that the name of the petitioner has been disclosed by the seizure list witness who is police personnel and there is recovery also, as such he is not entitled for grant of privilege of bail..

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioners, however, if the petitioners surrender before the learned court below and pray for regular bail, the same shall be considered on its own merit and if possible to be disposed of on the same day.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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