

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33597 of 2019

Arising Out of PS. Case No.-608 Year-2018 Thana- HILSA District- Nalanda

1. Upendra Prasad, Son of Dinanath Prasad Resident of Village- Dihper Puna, P.S.- Hilsa, District- Nalanda.
2. Binod Prasad @ Binod Kumar, Son of Late Hira Prasad Resident of Village- Punajhari, Bigha, Police Station- Hilsa, District- Nalanda.
3. Dlip Prasad @ Dlip Narayan Singh, Son of Awadhesh Prasad Resident of Village- Punajhari Bigha, P.S.- Hilsa, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 05-08-2019 The application filed on behalf of petitioner No.3, namely, Dilip Prasad @ Dlip Narayan Singh, has already been dismissed as infructuous vide order dated 29.05.2019.

Heard learned counsel for the petitioner Nos. 1 and 2 and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Hilsa P.S. Case no. 608 of 2018, registered under Sections 272 & 273/34 of the Indian Penal Code and Section 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The accusation is that on receiving secret



information about keeping of cartons of India made foreign liquor in a damaged Pax Bhawan in village-Puna and loading the same on 3 to 4 Tempo/Scorpio vehicle by Upendra Prasad (Petitioner No.1), Binod Prasad (Petitioner No.2) and Dilip Prasad, Ajay @ Arjun Prasad, Anuj Prasad, Nitish Kumar and Tuntun @ Shashi and 2-3 others, the informant along with other Police personnel reached there. On seeing the Police party, some persons boarding on motorcycle and on foot succeeded to flee away. At that time, Upendra Prasad (petitioner No.1), Binod Prasad (Petitioner No.2), Dilip Prasad, Ajay @ Arjun Prasad, Anuj Prasad, Nitish Kumar and Tuntun @ Shashi were identified by the villagers. On search of damaged Pax house, 134 bottles, each containing 750 ML, 1608 bottles, each containing 750 ML India made foreign liquor kept in several catrons total 2826 liters recovered.

Learned counsel for the petitioners submits that while it is alleged in the F.I.R. that petitioner Nos.1 and 2 along with others were identified by the villagers at the time of raid of Pax house from where the alleged India made foreign liquor recovered, but name of the villagers has not been disclosed. Further submission is that, in fact, petitioner No.1 is Ex-Mukhiya and petitioner No.2 is Ex-Ward member due to that



reasons, they have falsely been implicated in this case due to dirty village politics.

Having regard to the facts and circumstances of the case, let the above named petitioner No. 1 Upendra Prasad and Petitioner No.2 Binod Prasad @ Binod Kumar, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four 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 Addl. Sessions Judge-III-cum-Special Judge, Biharsharif, Nalanda in connection with Hilsa P.S. Case No. 608 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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