

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35300 of 2019

Arising Out of PS. Case No.-107 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

1. VIJAY THAKUR @ VINOD THAKUR Son of Hari Thakur @ Late Harkant Thakur
2. Vivek Thakur @ Vivek Kumar Son of Vijay Thakur @ Vinod Thakur both Resident of Village-Premnagar, Bahori Tola, Police Station-Runnisaidpur, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-08-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 30, 30(a), 38(I) (II) of the Bihar Prohibition and Excise Act, 2016.

Petitioner no. 1 has criminal antecedent being Runnisaidpur P.S. Case No. 642 of 2018 under Section 30 (G), 38(I) (II) of the Bihar Prohibition and Excise Act.

In view of the Full Bench judgment passed in Cr. Appeal (SJ) No. 431 of 2019 dated 17.05.2019 (Ram Vinay Yadav Vs. The State of Bihar), I am not inclined to enlarge the petitioner no. 1 on anticipatory bail. Accordingly, his payer for



anticipatory bail is rejected in connection with Runnisaidpur P.S. Case No. 107 of 2019 from the court of the learned Additional District Judge-II-cum-Special Judge, Excise Act, Sitamarhi.

Accordingly, the application is dismissed against petitioner no. 1.

However, petitioner no. 2 has no criminal antecedent and there is no recovery from the conscious possession of the petitioner no. 2.

Considering the facts, let the petitioner no. 2, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Runnisaidpur Police Station Case No. 107 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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