

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40749 of 2019

Arising Out of PS. Case No.-88 Year-2019 Thana- MOKAMAH District- Patna

1. RANJIT SAO @ RANJIT KUMAR Son of Sakaldeo Sao Resident of Village - Tatwa Toli, Ward No. 8, P.S. - Mokama, District - Patna
2. Girdhari Sao @ Amit Kumar Son of Ranjit Sao Resident of Village - Tatwa Toli, Ward No. 8, P.S. - Mokama, District - Patna
3. Muso @ Saurav Kumar @ Amit Sao Son of Ranjit Sao Resident of Village - Tatwa Toli, Ward No. 8, P.S. - Mokama, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh
For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-07-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Mokama Police Station Case No. 88 of 2019, disclosing offences under Sections 30 (a) and 45 of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners is that upon an information, the police raided the flour mill of petitioner no. 1 and recovered 4.5 litres of illicit liquor concealed in a bag containing chokar. The petitioner nos. 2 and 3 are the son of petitioner no. 1.



Learned Counsel for the petitioners submits that upon perusal of the First Information Report and the seizure list, it would be evident that the seizure of illicit liquor has been made from the flour mill of petitioner no. 1 and petitioner nos. 2 and 3 have been falsely implicated by the police, being the sons of petitioner no. 1. There is no recovery of illicit liquor from the possession of petitioner nos 2 and 3 and accordingly no *prima facie* case is made out against petitioner nos. 2 and 3.

After having heard learned Counsel for the parties and upon perusal of the seizure list, it transpires that recovery of illicit liquor is from the flour mill of petitioner no. 1 and there is no recovery of illicit liquor from the possession of petitioners 2 and 3 and it appears that petitioner nos 2 and 3 have been made accused by virtue of the fact that they are sons of petitioner no. 1.

Accordingly, this application, so far as petitioner nos. 2 and 3 are concerned, is allowed.

Let the petitioner nos. 2 and 3, namely, Girdhari Sao @ Amit Kumar and Muso @ Saurav Kumar @ Amit Sao , 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 Mokama Police Station Case No. 88 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 petitioner 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.

So far as petitioner no. 1, Ranjit Sao @ Ranjit Kumar, is concerned, his prayer for anticipatory bail is rejected.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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