

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39973 of 2019

Arising Out of PS. Case No.-260 Year-2019 Thana- KUDHANI District- Muzaffarpur

1. Sujeet Kumar @ Sujit Kumar, son of Chitranjan Singh, Resident of Village-Chandrahatti, P.S.-Kudhani, District-Muzaffarpur.
2. Basudeo Kumar @ Sunny @ Vasudev Kumar, Son of Ram Pravesh Singh Resident of Village-Chandrahatti, P.S.-Kudhani, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Kudhani P.S. Case No.260 of 2019 for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners is that police on information raided the premises of one Ranjan Azad ex. Mukhiya and recovered altogether 99 litres of illegal liquor from premises of ex.- Mukhiya. The name of the petitioners has transpired on the basis of secret information that petitioner renders assistance to Mukhiya in selling the illegal liquor.



Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. He further submits that no recovery of illicit liquor has been made from the conscious possession of the petitioners and the name of the petitioners has only transpired on the basis of some information received by the police. He further submits that in the First Information Report, Ranjan Azad, ex. Mukhiya has not been made accused in the column of accused persons.

After having heard learned counsel for the petitioner as well as State and upon perusal of the First Information Report and other materials available on record, it appears that no recovery of illegal liquor has been made from the conscious possession of the petitioner and from the seizure list, it appears that the illegal liquor in question has been recovered from the premises of one Ranjan Azad, ex. Mukhiya and not from the possession of the petitioner. From perusal of the First Information Report, no prima facie case is made out against the petitioner. As such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the



petitioners, the petitioners shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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