

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 41089 of 2019

Arising Out of PS. Case No.-73 Year-2019 Thana- MAKER District- Saran

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1. RANJIT RAI S/o Basudeo Rai
 2. Visham Rai S/o Nageshwar Rai @ Bhutai Rai
R/o village- Madhubani, P.S.- Amnour, District- Saran, Chapra
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Basant Kumar Singh
For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-07-2019 Heard learned counsel for the parties.

The petitioners apprehend their arrest in connection with Maker P.S.Case No. 73 of 2019 registered under Sections 188, 272 and 273 of the Indian Penal Code read with 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, as appearing in the FIR, is that police recovered 400 litres spirit from Bathan of Manibhushan Rai and local Chaukidar took the names of petitioners being involved in doing business of the same.

Learned counsel for the petitioners submits that petitioners have got no concern with the seized spirit inasmuch as from perusal of FIR as well as the seizure list, it is apparent that illegal spirit was seized from Bathan of Manibhushan Rai and not from the premises or possession of these petitioners.



Learned counsel thus submits that no *prima facie* case is made out against the petitioners under the Excise Act. He further submits that petitioners have got no criminal antecedent.

After having heard learned counsel for the parties and upon perusal of the seizurelist, it appears that seized spirit was recovered from the outhouse of one Manibhushan Rai and not from the premises or conscious possession of the petitioners and from perusal of FIR or seizurelist, no *prima facie* case is made out against the petitioners. Accordingly, I am inclined to grant anticipatory bail to the petitioners. Let the petitioners abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ADJ-cum- Special Judge, Excise, Saran at Chapra in connection with Maker P.S. Case No. 73 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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