

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40708 of 2019

Arising Out of PS. Case No.-179 Year-2019 Thana- KUDHNI District- Muzaffarpur

1. Raju Rai, son of Chunnu Rai, Resident of Village - Sakri Bintoliya, P.S.- Kurhni, District- Muzaffarpur
2. Chhotu Rai Son of Raju Rai, Resident of Village - Sakri Bintoliya, P.S.- Kurhni, District- Muzaffarpur
3. Vijay Rai Son of Nanda Rai @ Nandlal Rai, Resident of Village - Sakri Bintoliya, P.S.- Kurhni, District- Muzaffarpur
4. Sanjeet Kumar, Son of Kishori Rai, Resident of Village - Sakri Saraiya, P.S.- Kurhni, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raju Kumar Goswami
		Mr. Badshah Murlimanohar Pd.
For the Opposite Party/s	:	Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-07-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Kurhani P.S. Case No.179 of 2019 for the offence punishable under Sections 272, 273/34 of the Indian Penal Code.

The allegation against the petitioners is that the police upon information raided the house of Raju Rai, i.e., petitioner No.1, and recovered illegal liquor having a total quantity of 94.580 litres from the storage place inside the premises of the petitioner No.1.

Learned counsel for the petitioner submits that except the recovery of illegal liquor from the house of the petitioner No.1, Raju Rai, there is no allegation of recovery of same against



petitioner No.2, 3 and 4, therefore, no prima facie case against the petitioner No.2, 3 and 4 is made out.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and after perusal of the materials available on record, it transpires that the illegal liquor has been recovered from the house of petitioner No.1, Raju Rai, however, there is no recovery of liquor from the conscious possession of petitioners No.2, 3 and 4, accordingly, I am inclined to grant anticipatory bail to petitioners No. 2, 3 and 4, except petitioner No.1.

Accordingly, the petitioners No.2, 3 and 4, named above, are directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by them, they 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.

So far petitioner No.1, i.e., Raju Rai, is concerned, his prayer for anticipatory bail stands rejected.

(Anil Kumar Sinha, J)

sanjeev/-

U		T	
---	--	---	--

