

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42905 of 2019

Arising Out of PS. Case No.-180 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

-
1. Rajan Kumar, son of Bishwanath Ray @ Sivnath Roy Resident of Village - Tharghatawa, P.S.- Muffasil, District - East Champaran.
 2. Ramagaya Roy @ Ramagaya Pd Yadav Son of Late Daroga Roy Resident of Village - Santpur, P.S.- Muffasil, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 12-07-2019 Heard learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Muffasil P.S. Case No.180 of 2019 for the offence punishable under Sections 272, 273 of the Indian Penal Code and under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners as per the First Information Report is that the police upon secret information started vehicle checking and during the course of the same, the police party intercepted one Sumo vehicle and upon seeing the police party, all the occupants of the vehicle fled away, however, the police recovered illicit spirit to the tune of about 245 litres.



Learned counsel for the petitioners submits that police got the information by Spy about name of the petitioners. Learned counsel for the petitioners further submits that they are neither the owner nor the driver of the vehicle from where the spirit has been recovered.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that from the First Information report and the seizure list, it transpired that illicit spirit was recovered near the road from Sumo vehicle of which petitioners are not the owner nor the driver and no recovery has been made from the conscious possession of these petitioners or their premises or vehicle, accordingly, no prima facie case is made out against the petitioners, as such, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, both the petitioners, 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 9th Addl. Sessions Judge-cum-Special Judge, Excise,



East Champaran at Motihari, subject to the condition as
mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

sanjeev/-

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

