

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41782 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- MADHUBAN District- East Champaran

1. MANIBHUSHAN KUMAR Son of Muktinath Prasad Resident of Village - Maripur Mal Tole Talwa Gadhiya, P.S- Madhuban, Distt - East Champaran.
2. Manoj Kumar @ Anoj Kumar Son of Muktinath Prasad Resident of Village - Maripur Mal Tole Talwa Gadhiya, P.S- Madhuban, Distt - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 01-10-2019 Heard both sides.

The petitioners apprehend their arrest in Madhuban P.S. case No. 46 of 2019 registered under Section 147, 148, 149, 341, 323, 332, 333, 353, 34 of the IPC and u/s 30(a) of the Bihar Prohibition & Excise Act.

The informant got information that a vehicle is parked in front of the house of Ravindra Prasad and on search 24 bottles of Royal Stag whiskey was recovered. Ravindra Prasad and his son Vikash Kumar called their supporters who started pelting stones on the raiding party.

The learned counsel for the petitioners submits that the petitioners have no manner of concern with the affairs of Ravindra Prasad and his son but their names have been mentioned in the FIR. No liquor was recovered from the possession of the petitioners and, therefore, no offence u/s 30(a) of the Excise Act is made out against the petitioners. Similarly



situated accused Binita Kumari and Rita Devi have been granted anticipatory bail vide order passed in Cr. Misc. No. 58934 of 2019. Similarly situated co-accused Mukesh Kumar and Ranjeet Bhagat have also been granted anticipatory bail vide order passed in Cr. Misc. No. 47418 of 2019.

Taking into consideration the facts that only allegation against the petitioners is that they on being called came to the place of occurrence and started pelting stones but nobody was injured and no specific allegation is made against the petitioners, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, East Champaran, Motihari in connection with Madhuban P.S. case No. 46 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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