

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49868 of 2019

Arising Out of PS. Case No.-187 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

1. Shatrudhan Sah Son of Late Shiv Sah
 2. Kundan Kumar Son of Shatrudhan Sah
- Both are residents of Nawa Nagar, Gandhi Chok, Ward No. -10, P.S.-
Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-08-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

The petitioners apprehend their arrest in connection
with Sahebganj P.S. Case No. 187 of 2019, registered under
Sections 272 and 273 of the Indian Penal Code and Sections
30(A), 36, 38(II) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners, as per FIR, is
that the police party on secret information raided the house of
the petitioners, upon seeing the police party, the petitioners fled
away after jumping ceiling of another house, the petitioners
were identified by the Chawkidar. On search, the police has
recovered altogether 14.25 liters of illicit liquor, kept in iron box



behind the house of the petitioners.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case, inasmuch as no recovery of illicit liquor has been made from conscious possession or inside the house of the petitioners and from perusal of the FIR and seizure list, it would be evident that alleged illicit liquor has been recovered from a box kept behind the house of the petitioners and according to the petitioners that land is *Germazarua land*.

After having heard learned counsel for the parties and taking into consideration the fact that illicit liquor has not been recovered from conscious possession of the petitioners and further it appears that illicit liquor has been recovered from a box kept behind the house of the petitioners, which is an open space, I am inclined to grant anticipatory bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Sahebganj P.S. Case No. 187 of



2019; subject to condition as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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