

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 42752 of 2019

Arising Out of PS. Case No.-12 Year-2019 Thana- GOPALPUR District- Gopalganj

1. KUMAR NILESH @ NILESH SHAHI, Son of Mrityunjay Shahi Resident of Village- Balathari, P.S.- Kuchaikot, District- Gopalganj.
2. Sanu Shahi @ Sonu Shahi @ Bhuar @ Sonu @ Sandeep Shahi Son of Sanjay Shahi Resident of Village- Balathari, P.S.- Kuchaikot, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjana
For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-07-2019 The petitioners apprehend their arrest in connection with Gopalpur P.S.Case No. 12 of 2019 registered under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

Allegation against the petitioners, as per FIR, is that police has got secret information that one Prince Kumar Pathak of village Barnaiya has kept liquor in the field of Rajaram and he is removing the liquor gradually. It has further been alleged that when police party reached near the place of occurrence, they saw one person was standing in the field along with liquor, who was arrested by the police and police seized illegal liquor in total quantity of 679.80 litres from the field. The names of



petitioners have come on the basis of disclosure made by arrested co-accused, Prince Kumar Pathak.

Learned counsel for the petitioners submits that petitioners are innocent and they have been dragged in this case due to dirty village politics. Learned counsel further submits that no recovery of illegal liquor has been made from the conscious possession or premises of the petitioners inasmuch as on perusal of FIR, it is apparent that recovery of illegal liquor was made from the field of one Rajaram. Learned counsel further submits that petitioners belong to village *Balathari* under *Kuchaikot* Police Station whereas recovery of illegal liquor was made from Gopalpur Police Station.

After having heard learned counsel for the parties and taking into consideration the fact that liquor has been recovered from the field of some other person and not from the premises or possession of these petitioners and further that names of the petitioners have surfaced on the basis of statement made by co-accused and also petitioners have got no criminal antecedent and from perusal of the FIR, no *prima facie* case is made out against the petitioners as such 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/- each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 2nd cum Special Judge, Excise Act, Gopalganj in connection with Gopalpur P.S.Case No. 12 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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

