**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.47818 of 2019**

Arising Out of PS. Case No.-160 Year-2019 Thana- NAUTAN District- West Champaran

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1. GUDDU SAH
2. Bhola Sah
3. Kishori Sah

All sons of Late Ramayan Sah Resident of Village - Bhediharwa, P.S.- Nautan, Dist.- West Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Amarendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

ORAL ORDER

2 01-08-2019 After some argument, learned counsel for the petitioners seeks permission to withdraw this application against petitioner no. 1 namely Guddu Sah.

Permission is granted. Accordingly, this application is dismissed as withdrawn against petitioner no. 1.

So far petitioner nos. 2 and 3 are concerned, they apprehend their arrest in connection with Nautan P.S.Case No. 160 of 2019 registered under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioners, as per FIR, is that the police, upon secret information, raided underconstructed house

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of Guddu Sah i.e., petitioner no. 1, and recovered a total quantity of 32.75 litres illicit liquor and beer from the house of Guddu Sah.

Learned counsel for the petitioners submits that from perusal of FIR as well as seizure list, it appears that illicit liquor in question was recovered from the underconstructed house of Guddu Sah and not from the house of petitioner nos. 2 and 3. Learned counsel further submits that petitioners are brothers of Guddu Sah and they are separate in mess and residence from Guddu Sah, which is stated in para-10 of the application.

After having heard learned counsel for the parties and taking into consideration the fact that as per FIR, illicit liquor has been recovered from the house of Guddu Sah, i.e., petitioner no. 1, and not from the house belonging to petitioner nos. 2 and 3 and further they are separate in mess and residence from their brother Guddu Sah, as such I am inclined to grant anticipatory bail to the petitioner nos. 2 and 3. Let the petitioner nos. 2 and 3, 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 Special Judge, Excise,

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Bettiah, West Champaran in connection with Nautan P.S.Case No. 160 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

sujit/-

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