

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45982 of 2019

Arising Out of PS. Case No.-287 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. RAJNISH KUMAR S/o sulo Rai Resident of village- Sikandarpur, Rajaur, P. S.- Mufassil, District -Begusarai.
 2. Gulshan Rai @ Gulshan Kumar @ Saurabh Rai S/O Shiv Chandra Rai @ Khalo Rai Resident of village- Sikandarpur, Rajaur, P. S.- Mufassil, District -Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad
For the Opposite Party/s : Ms.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 30-09-2019 Petitioners seek bail in anticipation of their arrest in connection with Mufassil P.S. Case No. 287 of 2019 registered for the offence punishable under Section 38 of Bihar Prohibition and Excise Act.

As per FIR there is allegation of recovery of huge quantity of liquor from the field of Bhushan Rai and villagers disclosed the names of the petitioners.

Submission of learned counsel for the petitioners is that except general statement that petitioners were also engaged in liquor business there is no recovery from their possession of from their field and they have no criminal antecedent.

Heard learned APP, who has opposed the prayer for anticipatory bail stating that petitioner No.1 has criminal antecedent



and he is accused in one more case but not under Excise Act, which fact has not been mentioned in paragraph-3 of the petition.

In view of above facts and circumstances, let petitioner No.2, in the event of arrest or surrender, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai, in connection with Mufassil P.S. Case No. 287 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immoveable property within the jurisdiction of the court concerned.

So far petitioner No.1 is concerned, in view of allegation and concealment of material fact, I am not inclined to grant the privilege of anticipatory bail to him. He may surrender and pray for regular bail.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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