

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49678 of 2019

Arising Out of PS. Case No.-57 Year-2019 Thana- HATHAURI District- Samastipur

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1. GOPAL RAY @ GOPAL JI RAY S/o Ramadhar Ray R/o village- Dasaut Shivajinagar, P.S.- Hathauri, District- Samastipur
 2. Bhavesh Mishra @ Bhavesh Kumar Mishra S/o Gopal Mishra R/o village- Gaura Biraul, P.S.- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Hathauri P.S. Case No. 57 of 2019, disclosing the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The police are said to have recovered a huge quantity of illicit foreign liquor from a truck after having conducted a raid in the background of a secret information, which they had received.

Learned counsel for the petitioners has submitted that except the statement made in the FIR by the Police Officer that a secret information was received about the involvement of the petitioners and another co-accused person of bringing the



consignment of illicit liquor from a different State into Bihar, there is no allegation against them. He has accordingly submitted that no offence under the provisions of the Excise Act can be said to be made out against these petitioners. He has relied on an order of this Court dated 24.07.2019, passed in Cr. Misc. No. 45794 of 2019, which also arises out of Hathauri P.S. Case No. 57 of 2019, whereby two co-accused persons have been allowed anticipatory bail, after recording a *prima facie* finding that no offence against them is made out. The case of these petitioners cannot be distinguished from the persons, who have been allowed anticipatory bail.

This application is accordingly allowed. Let the petitioners, above named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned 2nd Addl. Sessions Judge-cum-Spl. Judge, Excise Act, Samastipur in Hathauri P.S. Case No. 57 of 2019 (G.R.No. 638 of 2019), subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case



may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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