

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48384 of 2019**

Arising Out of PS. Case No.-43 Year-2019 Thana- JADOPUR District- Gopalganj

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1. RAGHAV SINGH @ RAGHO SINGH, Son of Raghunath Singh
 2. Malik Singh Son of Ram Chandra Singh
 3. Mukesh Yadav @ Mukesh Kumar Yadav Son of Sadhu Yadav @ Om Prakash Yadav
- All are Resident of Village - Bhagwanpur, P.S.- Martan, District- Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh

For the Opposite Party/s : Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-08-2019 The petitioners apprehend their arrest in connection with Jadopur P.S. Case No. 43 of 2019 registered under Section 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioners is that upon receiving secret information, the police reached near the bank of river *Gandak* at *Malauri Ghaat* of village Dhamepur at about 3 O'clock in the night on 15.05.2019, and upon seeing the police party, three persons, riding on boat, started fleeing away and succeeded in fleeing away leaving the plastic bag and carton. The police, upon search, recovered 914 bottles having total quantity 182.8 litres illicit liquor. The chaukidar disclosed the names of three persons i.e., the petitioners.

Mr. Shyamakant Singh, learned counsel for the petitioners



submits that illicit liquor has not been recovered from the conscious possession of the petitioners or from their boat, accordingly, submission is that as per seizure list and FIR, no *prima facie* case under the Act is made out against the petitioners inasmuch as illicit liquor has been seized from near the bank of river *Gandak*.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery has been made from the conscious possession of the petitioners or from their boat, 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 District and Sessions Judge -II-cum-Special Judge, Excise, Gopalganj in connection with Jadopur P.S.Case No. 43 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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