

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47441 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. BHOLA RAY Son of Late Ranjeet Ray Resident of Village - Didarganj, P.S.- Didarganj, Dist.- Patna.
 2. Bhullu Ray Son of Sogarath Ray Resident of Village - Banstal, P.S.- Nadi, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad
For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-07-2019 The petitioners apprehend their arrest in connection with Special Case No. 3537 of 2019 arising out of Didarganj P.R.Case No. 01 of 2019 registered under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioners, as per prosecution report submitted by the excise officials, is that they got secret information that a huge quantity of illicit liquor was being unloaded from a four-wheeler vehicle standing near under constructed bridge at Didarganj Police Station, brought by the petitioners and other accused persons. It has further been alleged that excise officials recovered altogether 606.960 litres of illicit liquor from container having Rg. No. MH-46AF-7372.



Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case which is based upon the secret information received by the excise officials. He further submits that petitioners have got no criminal antecedents and the container, from which illicit liquor has been recovered, does not belong to the petitioners as the petitioners are not the owner of the same. He further submits that the container was admittedly standing near under constructed bridge and from perusal of the prosecution report, it would be evident that illicit liquor has not been recovered from the premises belonging to the petitioners or the vehicle owned by them as such submission is that no *prima facie* case, under the Act, is made out against the petitioners.

After having heard learned counsel for the parties and taking into consideration the fact that illicit liquor has been recovered from a container, which does not belong to the petitioners, and further petitioners have got no criminal antecedents 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/- with



two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Didarganj P.R. Case No. 01 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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