

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47797 of 2019

Arising Out of PS. Case No.-111 Year-2019 Thana- MINAPUR District- Muzaffarpur

1. Bijli Paswan @ Bijuli Paswan Son of Sitaram Paswan Resident of Village-Dharpur Minapur, Police Station-Minapur, District-Muzaffarpur.
2. Bahadur Rai Son of Shankar Rai Resident of Village-Raghopur, Police Station-Minapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Chandra Jha-3, Advocate Mr. Rabindra Nath Tiwari, Advocate Mr. Mukesh Kumar, Advocate Mr. Shambhoo Kumar Suman, Advocate
For the Opposite Party/s	:	Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-07-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

The petitioners apprehend their arrest in connection with Minapur P.S. Case No. 111 of 2019 (G.R. No. 468 of 2019), registered under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners, as per the FIR, is that on 11.03.2019, the police party intercepted one Bolero vehicle and upon seeing four persons began to flee away, further three persons succeeded in fleeing away and one person was



caught. The police recovered 199.5 liters of illicit liquor from the Bolero vehicle.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case on the basis of confessional statement, who was arrested from the Bolero vehicle. He further submits that petitioners have got no criminal antecedent and petitioners have no concern with the Bolero vehicle, from where the illicit liquor was seized. He further submits that from perusal of the First Information Report and the seizure list, no *prima facie* case under Excise Act is made out against the petitioners.

After having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioners or the vehicle belonging to the petitioners, I am inclined to grant anticipatory bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, 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 Act,



Muzaffarpur in connection with Minapur P.S. Case No. 111 of 2019 (G.R. No. 468 of 2019); subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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