

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52591 of 2019

Arising Out of PS. Case No.-279 Year-2019 Thana- MANER District- Patna

1. LALU KUMAR @ LALU YADAV Son of Mallu Ray
2. Laltu Kumar @ Laltu Ray Son of Late Karan Ray
Both R/O - Khaspur Chakiya Tola, P.S.- Maner, District- Patna
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar
For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-08-2019 The petitioners apprehend their arrest in connection with Maner P.S.Case No. 279 of 2019 registered under Sections 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioners is that the police on secret information that two persons were indulged in sale of illicit liquor near NH-30 village-Chhitnama, proceeded towards place of occurrence and upon seeing the police party, both persons fled away and they have been identified as petitioners. The police recovered a total quantity of about 26 litres from near NH-30, village- Chhitnama.

Learned counsel for the petitioners submits that petitioners have got no criminal antecedent and they have falsely been implicated without source of identification. He



submits that police in the FIR has not disclosed who identified the petitioners as persons who fled away from the place of occurrence and the police has recovered the illicit liquor from an open public place i.e., near NH-30, village-Chhitnama and not from the premises belonging to the petitioners. Accordingly, learned counsel submits 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 petitioners have no criminal antecedent and no recovery has been made from the possession or the premises belonging to the petitioners 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 Special Judge, Excise, Patna in connection with Maner P.S. Case No. 279 of 2019(Spl 5287/19); 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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