

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52589 of 2019

Arising Out of PS. Case No.-123 Year-2019 Thana- TARARI District- Bhojpur

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1. LALAN SINGH Son of Ramashray Singh
 2. Lathi Singh Son of Lalan Singh
 3. Amit Singh Son of Lalan Singh
- All are Resident of Village- Karath, Police Station- Tarari, District- Bhojpur.
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-08-2019 The petitioners apprehend their arrest in connection with Tarari P.S.Case No. 123 of 2019, Excise Case No. 1324 of 2019 registered under Sections 30(a)(b)(c) of the Bihar Prohibition and Excise Act (hereinafter referred to as the ‘Act’).

Allegation against the petitioners is that police on secret information that petitioners along with others were indulged in sale of illicit liquor, proceeded toward the place of occurrence, and the accused persons started feeling away, out of which, two persons were arrested. The police recovered a total quantity of 50 litres Mahua country made liquor as well as equipment for preparation of the same near river Banas. It has further been alleged that the name of the petitioners have been disclosed by co-accused who were arrested by the police.



Learned counsel for the petitioners submits that petitioners have got no criminal antecedent and have falsely been implicated in this case on the basis of statement made before the police by the arrested accused persons and from perusal of FIR as well as seizure list, it appears that recovery of illicit liquor and the equipment have been made from near river Banas, which is an open public place and the same has not been recovered 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 got no criminal antecedent and further 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/- with two sureties of the like amount each to the satisfaction of the learned 4th Addl. Sessions Judge-cum-Special Judge, Excise, Bhojpur at Ara in connection with Tarari P.S. Case No. 123 of 2019, Excise



Case No. 1324 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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