

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53510 of 2019

Arising Out of PS. Case No.-182 Year-2019 Thana- WARISLIGANJ District- Nawada

1. Rohit Kumar, Son of Late Sagar Singh Resident of Village - Kochgaon, P.S.- Warisaliganj, Distt - Nawada.
2. Mithilesh Kumar, Son of Ishwar Prasad Resident of Village - Faijabad, P.S.- Barbigha, Distt - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-08-2019 Heard learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Warisaliganj P.S. case No.182 of 2019 registered for the offence punishable under Sections 30(a) and 41 of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners as per the First Information Report is that police got information that illicit foreign liquor was being unloaded and transferred from a truck proceeded towards the place of occurrence and upon seeing the police party 7-8 persons, who were assembled there, fled away. It has further been alleged that upon search, police recovered a



total quantity of 2727 litres of illicit liquor from the truck bearing Registration No.MP-13H/0127.

Learned counsel for the petitioners submits that petitioners have got no criminal antecedent. Learned counsel further submits that the name of the petitioners have come on the basis of secret information received by the police. Learned counsel also relying upon para 2 of the supplementary affidavit submits that neither the truck nor the illicit liquor belongs to the petitioners. Learned counsel further submits that from perusal of FIR and seizure list, no prima facie case is made out against the petitioners under the Excise Act.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the petitioners have got no criminal antecedent and further no illicit liquor has been recovered from conscious possession of the petitioner or vehicle belonging to the petitioner, as such, I am inclined to grant anticipatory bail to all these petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction



of learned A.D.J.-II-cum-Special Judge, Nawada, subject to the
condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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