

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55302 of 2019

Arising Out of PS. Case No.-61 Year-2019 Thana- SAHARGHAT District- Madhubani

1. Bipat Panjiyar, Son of Late Jiwachh Panjiyar, Resident of Village- Mukhiyapatti, P.S.- Saherghat, District- Madhubani.
2. Jitan Panjiyar, Son of Bipat Panjiyar, Resident of Village- Mukhiyapatti, P.S.- Saherghat, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Bhupendra Narayan Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore(App)

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 02-09-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Saharghat P.S. Case No. 61 of 2019 registered under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Excise Act, 2016.

The accusation is that on receiving secret information about carrying the Nepali liquor loading on motorcycle at Villagen Kerwa, the informant along with other police personnel reached there and saw that some materials were carrying on three motorcycles. Thereafter, informant gave signal to stop the motorcycle but they started to flee away



leaving their motorcycles, but on chased, one was apprehended, who disclosed his name as Suraj Kumar. On search, 315 bottles each containing 300 ml Nepali liquor were recovered from the bags, which were carrying on the aforesaid motorcycles. On query, Suraj Kumar also disclosed the name of Mahendra Ram, who succeeded to flee away.

Learned counsel for the petitioners submits that petitioners were not apprehended at the spot and Suraj Kumar, who was apprehended at the spot, disclose the name of Mahendra Ram, only saying against both petitioners that they used to supply the liquors to both petitioners. Further submission is that petitioner no.1 is accused in Saharghat P.S. Case No. 70 of 2015, registered under Sections 341, 323 and 353 of the Indian Penal Code, in which, he is on bail and petitioner no. 2 is accused in two others cases, i.e, Saharghat P.S. Case No. 68 of 2019 and Harlakhi P.S. Case No. 193 of 2016, both are similar nature of present case, but in which, petitioner no. 2 is on bail.

Having regard to the facts and circumstances of the case, let named petitioner no.1, Bipat Panjiyar, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on



furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Saharghat P.S. Case No. 61 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner no.2, Jitan Panjiyar, is concerned, having considered the facts and circumstances of the case and the similar nature of two other cases against the petitioner no.2, I am not inclined to grant anticipatory bail to the him. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner no.2 is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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