

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 7617 of 2019

Arising Out of PS. Case No.-173 Year-2018 Thana- Sursand District- Sitamarhi

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1. Ashutosh Kumar Anand @ Shambhu Rai, Son of Ramchandra Ray
 2. Uday Mandal, Son of Kishun Mandal, Both Resident of Village-
Dumharpatti, P.S.-Pupri, District – Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh
For the Opposite Party/s : Mr. Ram Bachan Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 04-04-2019 Heard Sri Pushpendra Kumar Singh, learned counsel
for the petitioners and learned Addl. Public Prosecutor.

Two petitioners, apprehending their arrest in Sursand P.S. Case No. 173 of 2018 registered for offence under Sections 30(a), 38, 41 of the Bihar Prohibition and Excise Act, 2016, have prayed for grant of bail in the event of their arrest or surrender.

Learned counsel for the petitioners, at the very outset, has drawn my attention to statement made in paragraph – 3 of the petition to show that both petitioners are having clean antecedent. He further submits that petitioner no. 1 (Ashutosh Kumar Anand @ Shambhu Rai) has been arrayed as accused, since his motorcycle was found at abandoned place. It was



alleged, as if, on his motorcycle, there was liquor. So far as petitioner no. 2 (Uday Mandal) is concerned, without any rhyme and reason, he has been made accused. By way of referring to F.I.R., it was argued that it is difficult to comprehend as to how in the night at about 2:00 hrs., the police party tried to intercept the motorcycle and accused persons fled away; the police raised alarm and how crowd assembled there and identified the accused persons.

Be that as it may, considering the nature of accusation and clean antecedent, in the event of their arrest or surrender within a period of six weeks from today, let both petitioners namely Ashutosh Kumar Anand @ Shambhu Rai and Uday Mandal be enlarged on bail on 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, Excise Act, Sitamarhi in connection with Sursand P.S. Case No. 173 of 2018, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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