

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58145 of 2019

Arising Out of PS. Case No.-262 Year-2019 Thana- FORBESGANJ District- Araria

1. SURESH MANDAL Son of Lala Mandal @ Musai Mandal
2. Dhaneshwar Mandal @ Bhuneshwar Mandal Son of Lala Mandal @ Mausai Mandal
3. Shankar Mandal Son of Lala Mandal @ Musai Mandal
All resident of Village - Bhagkohilya Ward No.2, P.S.- Farbesganj, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.A.L.Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-09-2019 The petitioners apprehend their arrest in connection with Spl. Case No. 417 of 2019 arising out of Forbesganj P.S.Case No. 262 of 2019 registered under Section 290 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

Allegation against the petitioners, as per FIR, is that a total quantity of 5.7 litres Nepali liquor has been recovered from the house of petitioner no. 1, 03 litres Nepali country made liquor has been recovered from the house of the petitioner no. 2 and 2.4 litres Nepali liquor has been recovered from the house of petitioner no. 3.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case inasmuch as



petitioners have not committed any offence in the manner alleged.

Having regard to submissions made by the parties and taking into consideration the fact that illicit liquor has been recovered from the house of the petitioners as such in view of the Full Bench judgment passed in Cr. Appeal (SJ) No. 431 of 2019, I am not inclined to exercise my discretion for grant of privilege of anticipatory bail to the petitioners accordingly, the same is rejected.

However, in case, petitioners surrender before the court below within a period of 15 days and file application for regular bail, the same may be considered on the same day without being prejudiced to the fact that present application has been dismissed by this Court.

(Anil Kumar Sinha, J)

sujit/-

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