

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55085 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- JADOPUR District- Gopalganj

1. MANOJ SAH Son of Parma Sah @ Prabha Sah Resident of Village- Mehdia Naharpar, Police Station- Jadopur, District- Gopalganj.
2. Pintu Sah Son of Parma Sah @ Prabha Sah Resident of Village- Mehdia Naharpar, Police Station- Jadopur, District- Gopalganj.
3. Hira Sahni Son of Ramayan Sahni Resident of Village- Bishunpur, Police Station- Jadopur, District- Gopalganj.
4. Chhotelal Sahni Son of Ramayan Sahni Resident of Village- Bishunpur, Police Station- Jadopur, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad
For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-09-2019 This application, for grant of anticipatory bail, arises out of Jadopur P.S. Case No. 74/2019, disclosing offences under Sections 30 (a) of the Bihar Prohibition of Excise Act, 2016.

prosecution case is that the police on information that petitioner nos. 3 and 4 are bringing liquor through boat and petitioner nos. 1 and 2 are owner of the said liquor, they went at the place of occurrence and saw the accused persons in the vehicle light but the accused persons fled away and on search of the boat 113.6 litres of liquor was found. Apart from that it appears that petitioner no. 2 is also accused in one more case of



similar nature.

Submission of learned counsel for the petitioners is that the identification of the petitioners in the dark night is itself doubtful and they have falsely been made accused in this case, as there was no source of identification of the petitioners.

Learned counsel for the State opposed the prayer for bail and submitted that a *prima facie* case is made out against the petitioner.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioners rather petitioners may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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