

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57721 of 2019

Arising Out of PS. Case No.-215 Year-2019 Thana- OBRA District- Aurangabad

1. ANUP KUMAR @ ANU KUMAR, Son of Sajeewan Yadav, Resident of Village - Shankarpur, P.O. - Sarsawli, P.S. - Obra, District - Aurangabad (Bihar)
2. Raushan Kumar, Son of Sajeewan Yadav, Resident of Village - Shankarpur, P.O. - Sarsawli, P.S. - Obra, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Yadav, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 10-12-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016,

From the car of petitioner no. 1-Anup Kumar @ Anu Kumar liquor was recovered. Petitioner No. 2-Raushan Kumar is brother of petitioner no. 1-Anup Kumar @ Anu Kumar.

Considering the reverse burden of proof against petitioner no. 1-Anup Kumar @ Anu Kumar, under Section 32 of the Bihar Prohibition and Excise Act, 2016, I am not inclined to enlarge him on anticipatory bail.

Hence, prayer of petitioner no. 1-Anup Kumar @ Anu



Kumar for anticipatory bail is refused.

Since there is no material to prove involvement of petitioner no. 2 Raushan Kumar in the occurrence alleged, let the petitioner no. 2 Raushan Kumar, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Obra Police Station Case No. 215 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner no. 2 shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner no. 2.

(Birendra Kumar, J)

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