

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59747 of 2019

Arising Out of PS. Case No.-119 Year-2019 Thana- ABADPUR District- Katihar

1. Bodir S/o Roshid
2. Ajijul @ Md. Ajijul Haque S/o Ghina
Both are residents of Village- Shivanandpur, P.S.- Abadpur, District- Katihar.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-09-2019 Heard learned counsel for the petitioners and
learned APP representing the State.

The petitioners apprehend their arrest in connection with Abadpur P.S. Case No. 119 of 2019, registered under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation against the petitioners is that the police intercepted the motorcycle and recovered a total quantity of 21 litres of illicit liquor. It has further been alleged that upon seeing the police party, the petitioner who was sitting at the motorcycle fled away and the driver of the motorcycle disclosed the name of the petitioners.

Learned counsel for the petitioners submits that the petitioners have got no criminal antecedent and the petitioners have been implicated in this case with oblique motive inasmuch



as no illicit liquor has been recovered from the conscious possession of the petitioners. He further submits that the motorcycle in question does not belong to the petitioners.

After having heard learned counsel for the parties and taking into consideration the fact that the illicit liquor has not been recovered from the conscious possession of the petitioner and the motorcycle in question does not belong to the petitioners, I am inclined to grant anticipatory bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 2-cum-Special Judge, Katihar in connection with Abadpur P.S. Case No. 119 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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