

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59463 of 2019

Arising Out of PS. Case No.-158 Year-2019 Thana- ITARHI District- Buxar

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1. Om Prakash Gond, aged about 35 years (M), Son of Shiv Nath Gond, R/O Vill.- Kukurha, P.S.- Itarhi, Dist.- Buxar.
 2. Ram Pravesh Chaudhary @ Ram Prakash Chaudhary, aged about 37 years (M), Son of Surya Nath Chaudhary, R/O Vill.- Kukurha, P.S.- Itarhi, Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-09-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Itarhi P.S. Case No. 158 of 2019 registered under section 30(a) of Bihar Excise (Amendment) Act, 2018.

The allegation against the petitioner, as per the first information report, is that the police on secret information reached near the village Kukurha at the boring of accused persons and upon search, the police recovered total quantity of 72 liters of illicit foreign liquor from a hut situated near the boring of the petitioner no.2.

Learned counsel appearing for the petitioners submits that from perusal of the first information report, it appears that illicit liquor has been recovered from a hut situated near the boring



which is outside of the residential premises of the petitioner and hut in question was open and situated near the field and boring. Learned counsel further submits that the illicit liquor has not been recovered from the conscious possession of the petitioners.

After having heard learned counsel for the parties and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of petitioner no. 1 and petitioner no.2, I am inclined to grant anticipatory bail to both the petitioners.

Accordingly, the petitioners, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J-II-cum-Special Judge (Excise) Act Buxar in connection with Itarhi P.S. Case No. 158 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

Anjula/-

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