

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66912 of 2019

Arising Out of PS. Case No.-252 Year-2019 Thana- GOPALPUR District- Bhagalpur

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1. Kare Lal Mandal son of Late Bhujangi Mandal
 2. Chandrashekhar Kumar @ Chandrashekhar Mandal son of Kare Lal Mandal
 3. Sanjay Kuamr @ Sanjay Mandal son of Kare Lal Mandal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Braj Kishore Pd. (App)

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Gopalpur (Rangra) P.S. Case No. 252 of 2019 registered for the
offences punishable under Sections 30(a) of Bihar Prohibition
and Excise Act.

15.5 liter Mahua liquor were recovered from the
house of the petitioners.

Submission on behalf of the petitioners is that
petitioner no. 2 and 3 are sons of petitioner no. 1 and as a matter
of fact, they reside outside the State and moreover, the alleged
recovery was made from the house of petitioner no. 1. It is also
submitted that petitioner do not have any criminal antecedent



and as a matter of fact, police implicated the petitioners in this false case.

Since the recovery has been made from the house of the petitioners. In my view, this anticipatory bail petition is not maintainable and accordingly, this anticipatory bail petition stands rejected being not maintainable.

However, petitioners are directed to surrender before the court below within six weeks from today, and if they do so, and make prayer for regular bail, the learned court below shall consider the regular bail application of the petitioners on the day of their surrender on its own merit without being prejudiced by this order.

(Hemant Kumar Srivastava, J)

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