

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78697 of 2018

Arising Out of PS. Case No.-369 Year-2018 Thana- DARIYAPUR District- Saran

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1. Gorakh Kumar Rai S/o Late Kripal Rai R/o Village-Manpura,P.S. Dariyapur,Distt.-Saran
 2. Raj Kishore Rai S/o Kanhai Rai R/o Village Tarwan Mangarpal,P.S.D. Dariyapur,Distt.-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Sri S. Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-01-2019 This application, for grant of anticipatory bail, arises out of Dariyapur P.S. Case No. 369 of 2018, disclosing offences under Sections 30, 30 (a), 38 and 41 of Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of 1299 litres of liquor from roof top of poultry farm of petitioner no. 2.

Submission of learned counsel for the petitioners that they have falsely been implicated in this case and nothing has been recovered from their conscious possession and they have no criminal antecedent.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, so far petitioner no. 2 is concerned, I am not inclined to grant



the privilege of anticipatory bail to him rather petitioner no. 2 should 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.

So far petitioner no. 1 is concerned, in the event of his arrest or surrender before the court below within six weeks, he is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge – cum- Special Judge, Excise, Saran, in connection with Dariyapur P.S. Case No. 369 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure

(Vinod Kumar Sinha, J)

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