

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71145 of 2019

Arising Out of PS. Case No.-194 Year-2019 Thana- BARBIGHA District- Sheikhpura

1. AMAR KUMAR @ CHUNNU
2. Ashik Kumar
Both Sons of Murari Pd. Singh
3. Rakesh Kumar @ Rakesh Son of Pramod Singh @ Paro Singh
4. Santosh Kumar @ Gaurav Sharma
5. Nandlal Kumar
Both Sons of Ajay Singh @ Bawan
All Resident of Village - Mour, P.S.- Barbigha, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 18-12-2019 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 188 and 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Allegation is recovery of huge quantity of foreign liquor from the house of co-accused, Piyush Kumar who was in jail and was operating trade of illicit liquor from the jail with the help of these petitioners.

It has been submitted on behalf of the petitioners that



petitioners have been falsely implicated in this case on the basis of statement made by villagers and except said statement, there is nothing against the petitioners. It has further been submitted that neither any illicit liquor has been recovered from the possession of the petitioners nor they have been apprehended on the spot and have been implicated due to animosity and village rivalry. No offence under Excise Act is made out. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Barbigha P.S. Case No.194 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.



(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offences, after their release on bail the trial court shall take steps to cancel their bail bonds.

(S. Kumar, J)

Sanjay/-

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