

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72971 of 2019

Arising Out of PS. Case No.-395 Year-2019 Thana- SAHPUR District- Patna

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1. Sone Lal aged 26 years, male, Son of Lal Babu Rai @ Lal Bahadur Rai
 2. Sonu Kumar aged 25 years, male, Son of Bandhu Rai
 3. Manish Kumar aged 22 years, male, Son of Mitar Ray
- All are residents of Village- Daudpur Bagicha, P.S. Shahpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh
For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Special Case No. 8923 of 2019 arising out of Shahpur P.S. Case
No. 395 of 2019 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition And Excise Act, 2016.

Allegation against the petitioners as per the First
Information Report is that Police raided the house of petitioner
no. 1 namely, Sone Lal and recovered a total quantity of 210
liters of illicit liquor from the room of the petitioner no. 1. The
name of petitioner nos. 2 and 3 have transpired on the basis of
disclosure made by the co-villagers.



Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case inasmuch as the illicit liquor has not been recovered from the conscious possession of the petitioners and the house from where the illicit liquor has allegedly been recovered belongs to Sone Lal, which was under construction. Learned counsel further submits that no illicit liquor has been recovered from the conscious possession or the premises belonging to petitioner nos. 2 and 3 and the petitioners have got no criminal antecedent.

Having regard to the submissions made by the parties and taking into consideration the fact that illicit liquor has been recovered from the house of petitioner no. 1, accordingly, in view of Full Bench judgment of this Court in Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar), I am not inclined to grant anticipatory bail to the petitioner no. 1 namely, Sone Lal, and the same is hereby rejected.

However, taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the premises belonging to petitioner nos. 2 and 3, I am inclined to grant anticipatory bail to petitioner nos. 2 and 3.

Accordingly, let the petitioner nos. 2 and 3 namely, Sonu Kumar and Manish Kumar respectively in the event of



their arrest or surrender before the Court below within four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge-Excise, Patna in connection with Special Case No. 8923 of 2019 arising out of Shahpur P.S. Case No. 395 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Anil Kumar Sinha, J)

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