

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76200 of 2019

Arising Out of PS. Case No.-217 Year-2019 Thana- SONBERSA District- Sitamarhi

1. RAM DARESH RAI S/o Late Jai Narayan Rai R/o Village- Jay Nagar, P.S.- Sonbarsa, District- Sitamarhi.
2. Ravindra Mahto @ Ravindra Kumar S/o Bhutan @ Dharm Dev Mahto R/o Village- Jay Nagar, P.S.- Sonbarsa, District- Sitamarhi.
3. Hirawan Rai S/o Late Feku Rai R/o Village- Jay Nagar, P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Sonbarsa P.S. Case No. 217 of 2019, registered for the offence punishable under Section 414 of the Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

As per allegation made in the F.I.R., on seeing the police personnel the persons who had gathered in the village started to run. Two persons were caught who are said to have given statement before the police about the business of illicit



liquor being done by the accused persons. Thereafter it is stated that 270.300 litres of Nepali wine was recovered from the bushes behind the house of petitioner no. 1. It was further stated that other accused persons including petitioner nos.. 2 and 3 were assaulting the persons who had made confession before the police.

Learned counsel for the petitioners submits that from the F.I.R itself it transpires that no recovery whatsoever has taken from the personal possession of the petitioner. Except confessional statement of the two named persons namely Talewar Malik and Amlesh Kumar made before the police, there is no material against them. Petitioner no. 1 has no criminal antecedent and petitioners nos. 2 and 3 also do not have any earlier case against them under the Excise Act.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the above facts of the case, this Court is inclined to grant anticipatory bail to the petitioners and they are directed to surrender in the court below within a period of six weeks from today and in the event of their arrest or surrender, they shall be enlarged on bail on furnishing bail bond



of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Sonbarsa P.S. Case No. 217 of 2019, subject to the condition laid down under Section 438 (2) of the Cr.P.C.

(Partha Sarthy, J)

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