

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79841 of 2019

Arising Out of PS. Case No.-240 Year-2019 Thana- MUFFASIL District- Aurangabad

1. RAJENDRA SHARMA S/o Gulab Chandra Sharma R/o village- Wajitpur, P.S.- Muffasil, District- Aurangabad
2. Raju Kumar Gupta @ Raju Kumar @ Raju Kr. Gupta S/o Indardeo Prasad Gupta @ Indardeo Prasad Saw R/o village- Wajitpur, P.S.- Muffasil, District- Aurangabad
3. Arun Sharma S/o Ramjee Sharma R/o village- Wajitpur, P.S.- Muffasil, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-12-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Muffasil PS case no. 240 of 2019 registered for the offences punishable under Sections 30 (a) of Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 38.4 liters of illicit Jharkhand made liquor from the shop of one co-accused namely Surendra Sharma and from near the house of the petitioner no. 2 namely Raju Kumar Gupta. The further allegation is that when the co-accused persons namely Surendra Sharma was arrested, he had disclosed that the petitioners herein were also engaged in the business of illicit liquor.



The learned counsel for the petitioners has submitted that it is apparent from FIR that the illicit liquor has not been recovered from the possession or house of the petitioner, hence no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016. It is further submitted that the petitioners have been falsely implicated in the present case and they are having a clean antecedent.

Having regard to the facts and circumstance of the case, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VII-cum-Special Judge, Excise Act, Aurangabad in connection with Muffasil PS case no. 240 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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