

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77197 of 2019**

Arising Out of PS. Case No.-251 Year-2019 Thana- PATEPUR District- Vaishali

1. MUNNA RAI @ MUNNA KUMAR Son of Uma Shankar Rai @ Uma Shankar Ray Resident of Village - Bardiha West Tola, P.S.- Patepur, Distt.- Vaishali.
2. Baran Rai @ Jai Kumar @ Jai Kumar Rai Son of Uma Shankar Rai @ Uma Shankar Ray Resident of Village - Bardiha West Tola, P.S.- Patepur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anuj Kumar, Adv.  
For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      27-11-2019                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 30(a) of the Bihar Excise and Prohibition Act, 2016.

It is alleged that 492.480 litres of country made liquor has been recovered from the cattle shed of one Ajay Kumar, who conveyed to the police that the alleged liquor was stored by the petitioners.

It is submitted by learned counsel for the petitioners that admittedly the said recovery has been made from an open area which does not belong to the petitioner, hence, it cannot be treated



from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the said liquor was stored by the petitioners.

Considering the fact that *prima facie* the said recovery does not appear from the conscious physical possession of the petitioner, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ADJ-II-cum-Special Judge (Excise), Vaishali at Hajipur, in connection with Patepur P.S. Case No.251 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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