

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78370 of 2019

Arising Out of PS. Case No.-632 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

1. CHHOTU KUMAR Son of Late Umesh Mahto Resident of Teliya Pokhar, P.S.-Town (Ratanpur O.P.), District-Begusarai.
2. Md. Heera Son of Md. Umar Resident of Miyanchak, P.S.-Town (Ratanpur O.P.), District-Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 02-12-2019 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Informant who is police officer in her self statement has stated that on 21.10.2019 at about 8:30 pm, she received confidential information that illicit liquor is being sold and on receiving said information she along with other police personnel reached near Teliya Pokhar where some person were indulged in sale of illicit liquor and on seeing police jeep, persons assembled there started to flee away, however, after chase one person was arrested and taking advantage of darkness remaining



persons fled away and the person apprehended disclosed his name as Santosh Kumar and from his possession one bottle of 180 ml of foreign liquor was recovered from him and from nearby place four bottles of foreign liquor was recovered kept in a jute bag and he disclosed the name of persons who fled away as Chhotu Kumar (petitioner) and Md. Heera (petitioner).

It has been submitted on behalf of the petitioners that nothing has been recovered from their possession and they have been implicated in this case only on the basis of statement made by co-accused Santosh Kumar who has falsely implicated them due to animosity and village rivalry. Petitioners have got no criminal antecedent and they have not been apprehended on the spot. Nothing has been recovered from the possession of petitioners or from the house of petitioners, as such no offence under Excise Act is made.

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 upon furnishing bail bonds 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 **Town P.S. Case**



No. 632 of 2019, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

(S. Kumar, J)

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