

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83985 of 2019

Arising Out of PS. Case No.-258 Year-2019 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. RAKESH SAH Son of Manoj Sah Resident of Village - Katalpur, P.S. - G.B.Nagar, Distt - Siwan.
 2. Mukesh Sah Son of Raja Sah Resident of Village - Katalpur, P.S. - G.B.Nagar, Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 34, 30(a),36,38 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from a bush near the cremation ground, 1097.28 litres Indian Made Foreign Liquor were recovered. On enquiry by the nearby people, names of the accused persons including the petitioner were suggested as the persons who stored the liquor.

It is submitted by learned counsel for the petitioners that the recovery has been made from an open area. Statement has been made in paragraph 3 of the petition that the petitioner no. 1



is not having any criminal antecedent though petitioner no. 2 is accused in one other case.

Learned APP submits that the name of the petitioner sprang up during investigation.

Considering the fact that the recovery is from an open area, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 -cum-Special Judge, Excise, Siwan in connection with G.B. Nagar P.S. Case No.258 of 2019 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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