

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3705 of 2020

Arising Out of PS. Case No.-389 Year-2019 Thana- BARAULI District- Gopalganj

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1. Raj Kumar Raut S/o Ramnath Rauth R/o village- Pipara, P.S.- Barauli (Madhopur O.P.), District- Gopalganj
 2. Bullet Raut S/o Ramnath Raut R/o village- Pipara, P.S.- Barauli (Madhopur O.P.), District- Gopalganj
 3. Vinod Raut S/o jaykishun Raut R/o village- Pipara, P.S.- Barauli (Madhopur O.P.), District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 10-06-2020 Heard learned counsel for the parties through video conferencing.

At the outset, learned counsel for the petitioners informs that during pendency of the bail application, petitioner no. 1 namely Raj Kumar Raut has been arrested and as such, he requests for withdrawal of bail application in respect of petitioner no. 1 (Raj Kumar Raut).

Permission granted.

The anticipatory bail application, so far as petitioner no. 1 namely Raj Kumar Raut is concerned, stands dismissed as withdrawn.



Petitioner no. 2 & 3 seek bail in Barauli (Madhopur O.P.) P.S. Case No. 389 of 2019 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, total 7 liters of illegal country-made liquor are said to have been recovered from the paddy field situated behind the house of co-accused Raj Kumar Raut (petitioner no. 1).

It is submitted on behalf of petitioner that petitioner no. 2 & 3 are innocent and they have falsely been implicated in this case. The alleged recovery has been effected behind the house of petitioner no. 1, which is an open place. In this case, Section 100 Cr.P.C. has not been followed with respect to search and seizure. Both petitioners have clean antecedent, as stated in paragraph – 3 of the petition.

Considering the aforesaid facts and circumstances, the bail application is allowed.

Let the above-named petitioner no. 2 and 3 be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Addl. District and Sessions Judge cum Special Judge, Gopalganj in connection with Barauli (Madhopur O.P.) P.S. Case No. 389 of 2019, subject to condition as laid



down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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