

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7895 of 2020**

Arising Out of PS. Case No.-22 Year-2020 Thana- MADHAURAH District- Saran

1. SANJAY PRASAD
2. Ram Bihari Prasad @ Bihari Prasad, S/o Gauri Shankar Prasad  
Both Resident of Village- Noon Nagar, Rampur, P.S.- Jalalpur, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar Singh  
For the Opposite Party/s : Mr.Md. Ataur Rahman

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

2      29-02-2020                      Heard learned counsel for the parties.

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

Informant is a Police Officer who in his self-statement has alleged that he received a secret information that the petitioners are carrying illicit liquor in Bolero vehicle and upon receiving said information, as he reached said place, two miscreants taking advantage of darkness fled away from the said vehicle and 114.480 litres foreign liquor was recovered.

It is submitted on behalf of the learned counsel for



the petitioners that they have been falsely implicated in this case due to political rivalry and earlier also similar allegations were levelled against them in which they were granted anticipatory bail. It has further been submitted that petitioners were neither apprehended on the spot nor any illicit liquor has been recovered from their possession as such no offence under Excise Act is made out. It has lastly been submitted that petitioners are not the registered owner of the seized vehicle and they have no concern with the said vehicle.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond 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 Marhowrah P.S. Case No.22/2020 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offences, after their release on bail the trial court shall take steps to cancel their bail bonds.

**(S. Kumar, J)**

Sanjay/-

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