

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9461 of 2020

Arising Out of PS. Case No.-396 Year-2019 Thana- PAKRIDAYAL District- East Champaran

1. Bhaddu Rai aged about 48 years, Male, Son of Late Banshi Rai
2. Rakesh Rai aged about 23 years, Male, son of Bhaddu Rai
Both are Resident of Village- Dumarbana, Ward No.-8, P.S- Pakaridayal,
District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Pakaridayal P.S. Case No.396 of 2019 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation against the petitioners as per the First
Information Report is that the Police on the basis of secret
information raided the house of the petitioners and recovered a
total quantity of 71 liters 160 ml of illicit foreign liquor from the
back side of the house of the petitioners kept in a paddy heap.

Mr. Dilip Kumar Tondon, learned counsel appearing



for the petitioners submits that the petitioners have got no criminal antecedent and have falsely been implicated in this case merely on the basis of the fact that illicit liquor has been recovered from the back side of petitioners' house, which is an open space and accessible to all and sundry. Learned counsel further submits that no illicit liquor has been recovered from the conscious possession or inside the house of the petitioners.

Having heard learned counsel for the parties and taking into consideration the fact that petitioners have got no criminal antecedent, no illicit liquor has been recovered from conscious possession or the premises belonging to the petitioners and the same has been recovered from an open space accessible to all and sundry, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge under Excise Act, East Champaran, Motihari in connection with Pakaridayal P.S. Case No. 396 of 2019 , subject to the condition



as laid down under Section 438 (2) of the Code Of Criminal
Procedure.

(Anil Kumar Sinha, J)

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