

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11825 of 2020

Arising Out of PS. Case No.-247 Year-2019 Thana- KARAKAT District- Rohtas

1. NEERAJ KUMAR @ NEERAJ KUMAR SINGH Son of Pramod Singh Resident of Village - Burhawal or Burhwal, P.S. Karakat, District - Rohtas at Sasaram.
2. Mantu Singh Son of Pramod Singh Resident of Village - Burhawal or Burhwal, P.S. Karakat, District - Rohtas at Sasaram.
3. Rajnish Prasad Son of Gorakh Chandrabanshi Resident of Village - Burhawal or Burhwal, P.S. Karakat, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Adv.

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-07-2020 Heard learned counsel for the petitioners and learned APP for the State, through video conferencing.

At the outset it is submitted by learned counsel for the petitioners that during pendency of the instant application, the petitioner no. 1 was arrested and, as such, he seeks permission to withdraw this application so far as petitioner no. 1 is concerned.

The prayer is allowed and the application so far as petitioner no. 1 is concerned stands dismissed as withdrawn.

The petitioner nos. 2 and 3 have filed the instant application for grant of anticipatory bail apprehending their



arrest in connection with Karakat P.S. Case No. 247 of 2019 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation made in the F.I.R., on receiving secret information about the petitioners having stored and selling liquor in a dilapidated house of one Gopal Singh, a raid was conducted in which one person was arrested while three persons managed to escape. It is stated that Munna Kumar who was arrested disclosed the name of the three persons who had fled as the petitioners herein. A total of 281.6 litres of liquor was recovered.

It is submitted by learned counsel for the petitioners that from the seizure list it transpires that the place of recovery is the dilapidated house of one Gopal Singh. The petitioners were neither arrested at the spot nor any incriminating article has been recovered from their possession. They have no concern with the seized liquor. The only material against them is the statement of co-accused made before the police.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration that illicit liquor was recovered from



the house of one Gopal Singh, no recovery has taken place from the possession of the petitioners and their names have transpired in the confession of the co-accused made before the police, the Court is inclined to enlarge the petitioner nos. 2 and 3 on bail. The petitioner nos. 2 and 3 are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Karakat P.S. Case No. 247 of 2019, they shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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