

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 19027 of 2020

1. Chandan Rai S/o Kalyan Rai
 2. Jitan Singh @ Jitendra Singh S/o Kalyan Rai
- Both are resident of village Salahali, P.S. Akilpur District Saran at Chapra.

.....Petitioners

Versus

The State of Bihar

.....Opposite Party

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Appearance

For the Petitioner : Mr. Udai Shankar Singh, Advocate

For the State : Mr. Raj Kishore Singh, APP

CORAM : HONOURABLE MR. JUSTICE PARTHA SARTHY

Oral Order

2 20.7. 2020

Heard learned counsel for the petitioners and learned APP for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Akilpur P.S. Case no. 39 of 2018 (corresponding to Trial no. 3034 of 2018) registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.



As per allegation in the FIR, on secret information having been received, a raid was conducted on the house of Pappu Kumar. It is stated that in the raid Pappu Kumar was arrested and 144 bottles of illicit liquor containing 180 ml. each was recovered. It is further stated that the said Pappu Kumar disclosed that the two petitioners were amongst the three accused persons who had managed to escape.

It is submitted by learned counsel for the petitioners that on investigation final report (Annexure - 2) was submitted finding the case to be true against Pappu Kumar and so far as the petitioners were concerned, the case was not found to be true. However, it was stated therein that further investigation shall continue. It is further submitted that the Superintendent of Police, Saran has given direction to arrest all the accused persons, which includes the petitioners herein and as such the instant application for bail. The petitioners have no criminal antecedent.

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

Having heard learned counsel for the parties and taking into consideration the fact that one final report (Annexure - 2) was submitted not finding the case to be true against the petitioners and the petitioners not having any criminal antecedent, the Court is inclined to enlarge the



petitioners on bail. The petitioners 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 Akilpur P.S Case no. 39 of 2018 they will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Saran at Chapra subject to the conditions as laid down in section 438(2) of the Criminal Procedure Code.

(Partha Sarthy, J)

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