

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24261 of 2020

Arising Out of PS. Case No.-92 Year-2020 Thana- BASANTPUR District- Siwan

1. Harendra Thakur aged about 52 Years, Gender – Male, Son of Late Raj Balm Thakur @ Raj Ballam Thakur
2. Rahul Kumar aged about 22 Years, Gender – Male,
3. Bablu Thakur aged about 25 Years, Gender – Male,
4. Piyush Thakur aged about 19 years, Gender – Male, **2 to 4 are** Sons of Harendra Thakur **All are** Resident of Village- Khedhwan, Police Station - Basantpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh
For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-09-2020 Heard Mr. Bijay Prakash Singh, learned counsel for the petitioners and Mr. Damodar Prasad Tiwary, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Basantpur P.S. Case No. 92 of 2020 registered for the offence punishable under Section 272 / 273 / 308 / 34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners is that Police on the basis of secret information that the petitioners have concealed illicit liquor in a bush, proceeded towards the place of



occurrence and recovered a total quantity of 30 Liter 60 Ml of illicit foreign liquor from the bush situated near Khedhwa village.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case on the basis of secret information. Learned counsel further submits that from perusal of the F.I.R. and the seizure list it would be evident that illicit liquor has been recovered from a bush in the village, which is accessible to all and sundry and no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioners. Learned counsel further submits that from perusal of the First Information Report and seizure list no prima facie case under the Excise Act is made out against the petitioners.

Having regard to the submissions made by the parties and taking into consideration the materials on record, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall 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 2nd Additional



Sessions Judge cum Special Judge, Excise, Siwan / court
concerned in connection with Basantpur P.S. Case No. 92 of
2020 , subject to the condition as laid down under Section 438
(2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines regarding
lockdown and social distancing.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

