

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24502 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- RAJEPUR District- East Champaran

1. Anil Rai @ Anil Yadav S/o Uma Shankar Yadav Resident of Village- Narha Panapur, P.S.- Rajepur, District- East Champaran (Bihar)
2. Ram Ishwar Ray @ Ishwar Yadav S/o- Tribhuvan Yadav Resident of Village- Narha Panapur, P.S.- Rajepur, District- East Champaran (Bihar)
3. Dilip Ray @ Dilip Kumar S/o- Umashankar Ray Resident of Village- Narha Panapur, P.S.- Rajepur, District- East Champaran (Bihar)

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-11-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P for the State.

The petitioners apprehend their arrest in Rajepur P.S. Case No. 03 of 2020, registered for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

43 liters of foreign liquor from the husk house (Bhusa ghar) situated in front of house of petitioner no.1, 60 liters of foreign liquor from the husk house situated in the house of



petitioner no.2 and 80 liters of foreign liquor from husk house situated in the house of petitioner no.3, have been recovered.

It is submitted that petitioners have falsely been implicated in this case. No incriminating material has been recovered from conscious possession of these petitioners. Recovery has been made from the husk house situated in front of house of petitioner no.1 which is accessible to general public. Petitioners have no concern with the recovered liquor. Petitioners have got clean antecedent as stated in para 3 of the bail petition.

However, counsel for the State submitted that so far petitioner no.2 and 3 are concerned, recovery of foreign liquor has been made from husk house situated in the house of these petitioners.

Considering the facts aforesaid, prayer for pre-arrest bail to petitioner no.1, as named above, is allowed. Let petitioner no.1, in the event of arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be released on bail on 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 Act, East Champaran in connection with



Rajepur P.S. Case No. 03 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

As the recovery of foreign liquor has been made from the house of petitioner no.2 and 3, their prayer for bail is rejected with direction to surrender and seek regular bail within eight weeks, which would be disposed of on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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