

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24308 of 2020

Arising Out of PS. Case No.-226 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

1. INDRAJEET KUMAR @ INDRAJEET KUSHWAHA @ INDRAJEET @ SONU KUSHWAHA S/o Ranjeet Kushwaha Resident of Village- Mahdah, P.S.- Buxar (M), District- Buxar.
2. Brijesh Kumar Gupta @ Brijesh Sah @ Brajesh Sah S/o Jagarnath Sah Resident of Village- Mahdah, P.S.- Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-09-2020 Heard Mr. Arun Kumar Gupta, learned counsel for the petitioners and Mr. Jitendra Kumar Singh, Additional Public Prosecutor for the state through video conferencing.

2. Petitioners apprehend their arrest in connection with Buxar (Mufassil) PS Case No. 226/2019 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioners is that on the basis of secret information, the police came to know that petitioners had kept illegal wine in the house of one Ram Bhajan Kushwaha, raided the house of Ram Bhajan Kushwaha and recovered total quantity of 168.30 illicit liquor from the



same.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of secret information. Learned counsel further submits that perusal of the FIR and seizure list, it would be evident that illicit liquor has been recovered from the house of Ram Bhajan Kushwaha and no liquor has been recovered from the conscious possession of the petitioners or from the premises belonging to them. Learned counsel also submits that petitioners have got no criminal antecedents and from perusal of the FIR, it would be evident that no *prima facie* case under the Excise Act is made out against the petitioners.

5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that no liquor has been recovered from the conscious possession of the petitioners or from the premises belonging to them and the petitioners have got no criminal antecedents, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, petitioners, Indrajeet Kumar @ Indrajeet Kushwaha @ Indrajeet @ Sonu Kushwaha and Brijesh Kumar Gupta @ Brijesh Sah @ Brajesh Sah shall be released on anticipatory bail, in the event of their arrest or



surrender within six weeks, 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, Buxar in connection with Buxar (Mufassil) PS Case No. 226/2019, subject to the conditions as laid down under Section 438(2) CrPC.

7. 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)

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