

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 29228 of 2020

Arising Out of PS. Case No.-393 Year-2019 Thana- CHIRAIYA District- East Champaran

1. Banka Rai S/o Late Ramashrya Rai Resident of Village-Mohadipur, P.S.-Chiraiya, District-East Champaran.
2. Daroga Rai S/o Ruplal Rai Resident of Village-Mohadipur, P.S.-Chiraiya, District-East Champaran.
3. Bhim Rai S/o Jagrup Rai Resident of Village-Mohadipur, P.S.-Chiraiya, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III

For the Opposite Party/s : Mr.Bharat Lal,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-12-2020 At the outset, it was informed by counsel for the petitioners that during pendency of the present bail application, petitioner no. 1 namely Banka Rai has been arrested and as such, this bail application has become infructuous so far as petitioner no. 1 is concerned.

Accordingly, the present bail application stands dismissed so far as petitioner no. 1 (Banka Rai) is concerned.

The petitioner no. 2 & 3 apprehend their arrest in Chiraiya P.S. Case No. 393 of 2019 registered for the offence under Sections 272 & 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution case, 40 liters of country-made liquor has been recovered near a pond of Mohadipur and



petitioners are alleged to have fled away from the spot.

It is submitted on behalf of petitioners that nothing has been recovered from the possession of petitioners. Recovery has been made from an open place. Co-accused namely Prbhash Rai @ Prbhash Rai has already been granted anticipatory bail by this Court, vide order dated 13-02-2020 passed in Cr.Misc. No. 85514 of 2019 (Annexure – 2 to the petition). Petitioners have got no criminal antecedent, which fact has been stated in paragraph – 3 of the petition.

Considering the aforesaid facts and circumstances, the bail application of petitioners is allowed. In the event of their arrest or surrender within a period of eight weeks from the date receipt/production of copy of this order, let the petitioner no. 2 & 3 namely Daroga Rai and Bhim Rai be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Under Excise Act, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 393 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

anay/-

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

