

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46434 of 2019

Arising Out of PS. Case No.-278 Year-2019 Thana- MANER District- Patna

1. LALU KUMAR @ LALU YADAV Son of Mallu Ray Resident of - Chakiya Tola, P.S.- Maner, Dist.- Patna
2. Rajesh Kumar Son of Mallu Ray Resident of - Chakiya Tola, P.S.- Maner, Dist.- Patna
3. Laltu Kumar @ Laltu Ray Son of Late Karan Ray Resident of - Chakiya Tola, P.S.- Maner, Dist.- Patna
4. Sunil Ray @ Sunil Kumar Son of Sanchit Ray @ Panchit Ray Resident of - Chakiya Tola, P.S.- Maner, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 08-01-2020 Heard learned counsel for the parties.

Petitioners are apprehending their arrest in connection with Maner P.S.Case No.278 of 2019 (Spl. 5242 of 2019) , registered for offences punishable under 30(a) of Bihar Prohibition and Excise Act.

Allegation against the petitioners is about recovery of more than 1300 ltrs. of liquor from the Tata Turbo vehicle and the petitioners were named on the identification by the *Chowkidar* and by filing Supplementary Affidavit, it has been submitted that the petitioner nos. 1 and 3 have criminal



antecedent also as the petitioner no.1 is accused in three cases and the petitioner no.2 is accused in two other cases of similar type.

Submission of the learned counsel for the petitioners is that nothing has been recovered from their conscious possession and they have been implicated at the instance of the *Chowkidar* and so far petitioner nos.2 and 4 are concerned, they no criminal antecedent.

Heard learned A.P.P. , who has opposed the prayer for bail..

Having heard both sides and in view of submissions as made above, so far petitioner nos. 1 and 3 are concerned, they have submitted that case dairy does not show that the statement of the *Chowkidar* has been recorded.

Considering the submissions as made above so far petitioner nos 1 and 3, above named, are concerned, who have criminal antecedent, I am not inclined to grant anticipatory bail to them.

So far petitioner nos. 2 and 4, above named, are concerned, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail



bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Spl Judge Excise, Patna District Patna in connection with Maner P.S.Caase No.278 of 2019 (Spl. 5242 of 2019), subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the above direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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