

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26203 of 2021

Arising Out of PS. Case No.-147 Year-2020 Thana- MAHINDWARA District- Sitamarhi

1. Braj Mohan Kumar S/O Harivansh Ray
2. Subodh Kumar S/O Rajeshwar Ray
3. Jitendra Kumar S/O Ravindra Ray
All are R/O Village-Gousaipur Tengraha, Tole Malhtoli, P.S-Minapur,
District-Muzaffarpur.
4. Rajiv Patel @ Rajiv Kumar S/O Ramchandra Patel
5. Bittu Kumar S/O Satrudhan Bhagat
Both are R/O Village-Gousaipur Tengraha, Tole Chaki, P.S-Minapur,
District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Murari, Adv.
For the Opposite Party/s : Ms.Reena Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-07-2021 Learned counsel for the petitioners submits that petitioner No.1(Braj Mohan Kumar) has already been arrested and, therefore, he seeks permission to withdraw the anticipatory bail petition filed on behalf of petitioner No.1(Braj Mohan Kumar).

Prayer is allowed. The anticipatory bail petition filed on behalf of petitioner No.1(Braj Mohan Kumar) is dismissed as withdrawn.

Heard both sides through video conferencing.

The petitioners apprehend their arrest in Mahindwara P.S. Case No.147 of 2020 registered under Sections 30(a), (b), (c), (d), (f), 37 and 41 of Bihar Prohibition and Excise Act.

The informant got information about the running of



illicit liquor shop by the side of a river and on such, a raid was conducted but the petitioners are alleged to have fled away.

The learned counsel for the petitioners submits that petitioners have got no criminal antecedent. Nothing has been recovered from the possession of the petitioners. This is the first case in which the petitioners have falsely been made accused on mere suspicion and on unconfirmed sources. The recovery is made from the lonely place situated from the side of the river.

Taking into consideration the facts aforesaid, let the petitioner No.2(Subodh Kumar), petitioner No.3(Jitendra Kumar), petitioner No.4(Rajiv Patel @ Rajiv Kumar) and petitioner No.5(Bittu Kumar) in the event of their arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge II-cum-Special Judge(Excise), Sitamarhi in connection with Mahindwara P.S. Case No.147 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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