

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28432 of 2020

Arising Out of PS. Case No.-82 Year-2019 Thana- TARARI District- Bhojpur

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1. Ritesh Singh, S/o Anil Singh, Resident of Village- Dilyan, P.S.- Tarari, District- Bhojpur.
 2. Budhan Singh @ Nitish S/o Anil Singh Resident of Village- Dilyan, P.S.- Tarari, District- Bhojpur.
 3. Pankaj Kumar S/o Lal Babu Singh Resident of Village- Dilyan, P.S.-Tarari, District- Bhojpur.
 4. Binod Singh S/o Budhan Singh Resident of Village- Dilyan, P.S.-Tarari, District- Bhojpur.
 5. Rakesh Singh S/o Binod Singh Resident of Village- Dilyan, P.S.-Tarari, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-01-2021 Heard learned counsel for the petitioners and State.

The petitioners are apprehending arrest in connection with Tarari P.S. Case No. 82 of 2019 (Excise Case no. 945 of 2019) for the offence under Sections 147, 148, 149, 341, 323, 307, 332, 333, 337, 338, 353, 427, 225 of the Indian Penal Code. And 30(a) of the Bihar Prohibition of Excise (Amendment) Act, 2018.

It is alleged that at the time of election, the police conducted raid and 26.1 litres of foreign liquor was sized and these petitioners have obstructed in discharging the duty in the process of seizure.



Learned counsel for the petitioners submits that the petitioners have got no criminal antecedent. He further submits that the petitioners have been made accused in the instant case on account of Election. The petitioners have no concern with the trade of liquor and they are even remotely connected with the alleged obstruction in carrying the duty to the police officer.

Considering the fact that the petitioners have got not criminal antecedent and nothing was recovered from the possession of the petitioner and also the fact that the petitioners are among the approximately 30 persons involved in alleged protest on the election day, the petitioners named above, in the event of arrest or surrender before the court below within one month from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-IV-cum- Special Judge, Excise Act, Bhojpur, Ara in connection with Tarari P.S. Case No. 82 of 2019 (Excise Case no. 945 of 2019) subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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