

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31577 of 2020

Arising Out of PS. Case No.-24 Year-2020 Thana- DIDARGANJ District- Patna

1. SURESH RAI S/o Late Laldeo Rai Resident of Village-Fatehpur, Kanchan Tola, Ward No.02, P.S.-Didarganj, District-Patna.
2. Satyendra Rai S/o Laldeo Rai Resident of Village-Fatehpur, Kanchan Tola, Ward No.02, P.S.-Didarganj, District-Patna.
3. Atendra Rai S/o Laldeo Rai Resident of Village-Fatehpur, Kanchan Tola, Ward No.02, P.S.-Didarganj, District-Patna.
4. Kamlesh Rai S/o Suresh Rai Resident of Village-Fatehpur, Kanchan Tola, Ward No.02, P.S.-Didarganj, District-Patna.
5. Nilesh Rai S/o Suresh Rai Resident of Village-Fatehpur, Kanchan Tola, Ward No.02, P.S.-Didarganj, District-Patna.
6. Bimlesh Rai S/o Shyam Sumdar Rai @ Hareram Rai Resident of Village-Fatehpur, Kanchan Tola, Ward No.02, P.S.-Didarganj, District-Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Atul Shankar, Adv.
For the State	:	Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 02-03-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners have filed the instant application for grant of anticipatory bail in connection with Didarganj P.S. Case no. 24 of 2020 registered under sections 147, 148, 149, 341, 323 and 427 of the Indian Penal Code and sections 30(a) and 36 of Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., 150 litres of country



liquor and 2500 litres of Mahua liquor is said to have been recovered from the place next to the land of the informant.

It is submitted by learned counsel for the petitioners that the instant F.I.R. has been lodged at the instance of a private person which is in violation of section 91 of the Bihar Prohibition and Excise Act, 2016. It is further submitted that allegation as levelled against the petitioners in the F.I.R. are false and concocted. They have no concern with the recovered articles. Petitioners have no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State.

A report with respect to antecedent was called for from the Senior Superintendent of Police, Patna, which has been received. As per the report, the petitioners have no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration that neither the petitioners were arrested at the spot nor the land from which the recovery is stated to have been made belongs to the petitioners, this Court is inclined to enlarge the petitioners no. 1, 3, 4 and 5 on anticipatory bail. The above named petitioners no. 1, 3, 4 and 5, in the event of their arrest or surrender in the Court below



within a period of six weeks from today in connection with Didarganj P.S. Case no. 24 of 2020 are directed to be enlarged on bail on furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Patna, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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