

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34077 of 2020

Arising Out of PS. Case No.-69 Year-2020 Thana- MOTIPUR District- Muzaffarpur

1. RAM BABU RAI Son of Yogi Rai
 2. Sunil Kumar @ Sunil Rai Son of Paltoo Rai
- Both the petitioners are resident of Village - Morsandi, P.S.- Motipur, Distt.- Muzffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-03-2021 Heard Mr. Bhavesh Kumar, learned counsel for the
petitioners and the learned A.P.P.

Learned counsel for the petitioners submits that
petitioner No.2, Sunil Kumar @ Sunil Rai has already been
arrested and, therefore, the anticipatory bail on his behalf has
become infructuous.

Accordingly, the anticipatory bail petition of
petitioner No.2 (Sunil Kumar @ Sunil Rai) is dismissed as has
become infructuous.

Heard both sides.

The petitioner No.1 apprehends his arrest in Motipur
P.S. Case No.69 of 2020 registered under Sections 30(a) and



41(1)(2) of Bihar Prohibition and Excise Act.

The learned counsel for the petitioners submits that recovery of 12.390 litres of foreign liquor was made from the field situated behind the house of the petitioner No.1. Petitioner No.1 has got no criminal antecedent. For the recovery from the open field, the petitioner No.1 cannot be held responsible.

Taking into consideration the facts that recovery is made from the field situated behind the house of the petitioner No.1 and not from the house of the petitioner No.1 and it cannot be ruled out that anybody can put the gunny bag in the field situated behind the house of the petitioner No.1 and the fact that petitioner No.1 has got no criminal antecedent, let the petitioner No.1, above named, in the event of his arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Motipur P.S. Case No.69 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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