

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49047 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- MARANCHI District- Patna

1. ROHIT KUMAR Son of Janardan Singh Resident of Village - Rampur Dumra, Police Station - Maranchi, (Pachmahala O.P.), District - Patna.
2. Shivam Kumar Son of Subodh Singh Resident of Village - Rampur Dumra, Police Station - Maranchi, (Pachmahala O.P.), District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-12-2021 It is submitted by learned counsel for the petitioners that during pendency of this application, petitioner no. 1 has been arrested and, as such, he seeks permission to withdraw this application against petitioner no. 1.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner no. 1.

Heard learned counsel for the petitioner no. 2 and learned APP for the State.

Learned counsel for the petitioner no. 2 is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been



filed by the petitioner no. 2 apprehending his arrest in connection with with Maranchi (Panchmahala O.P.) P.S. Case no. 57 of 2021 instituted for the offence under Sections 30(a) of the Bihar Prohibition & Excise Act, 2016.

As per allegation in the FIR, police party has received a secret information about storage of illicit liquor in Gandhi High School Rampur Dumra by the petitioners then the police party reached there and started search. On search, he found that rod of the window is pulled out to make a passage to make entry and exit and in one room 25 bottles each containing 750 ml. of IMFL were recovered.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The alleged recovery of wine has been recovered from the government school. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner no. 2 on bail. The



petitioner no. 2, namely, Shivam Kumar is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Maranchi (Pachmahala O.P) Police Station case no. 57 of 2021, he will 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 learned Special Judge, Excise, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

