

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.37517 of 2020

Arising Out of PS. Case No.-40 Year-2020 Thana- PAHARPUR District- East Champaran

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1. Raju Singh, aged about 37 years, male, S/o Lalan Singh
 2. Mukesh Singh, aged about 36 years, male, S/o Nand Kishor Singh
 3. Bhushan Singh, aged about 42 years, male, S/o Mahanth Singh

All are Resident of Village-Balua Barawa Tola, Police Station-Paharpur,
District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 09-04-2021 Heard Anil Kumar, learned Advocate for the

petitioners and Mr. Sanjay Kumar Tiwary, learned APP for

the State.

In view of the fact that petitioner No. 2, viz.,

Mukesh Singh was earlier made accused in a case of similar

nature, I am not inclined to grant him anticipatory bail.

The prayer for grant of anticipatory bail of



petitioner No. 2 is, accordingly, rejected.

However, if petitioner No. 2 surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application with respect to him has not been entertained by this Court.

The petitioner Nos. 1 and 3, viz., Raju Singh and Bhushan Singh respectively seek bail in anticipation of their arrest in connection with Paharpur P.S. Case No. 40 of 2020, dated 24.01.2020, instituted for the offences under Sections 30(A) and 36 of the Bihar Prohibition and Excise Act, 2016.

On secret information that huge quantity of liquor has been stored in the houses of co-accused persons, viz., Ram Sawari Devi and Prabhu Sahani, their houses were searched and liquor was recovered. The petitioner Nos. 1 and 3 are said to have run away from the place of raid. Nothing has been recovered from the houses of petitioner Nos. 1 and 3. Thus, the accusation against them is only on the stray statement of people to the police that they had run



away at the time of raid.

The petitioner Nos. 1 and 3 do not have criminal antecedents.

Regard being had to the facts afore-stated, the petitioner Nos. 1 and 3, viz., Raju Singh and Bhushan Singh respectively, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 7th Addl. Sessions Judge-Cum-Special Judge, Excise, East Champaran, Motihari in connection with Paharpur P.S. Case No. 40 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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