

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12648 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- HATHAURI District- Samastipur

1. JAIJAY KUMAR @ JAIJAY MANDAL @ JAY JAY MANDAL Son of Hare Krishana Mahto @ Hari Kishun Mandal Resident of Village -Sarvari, P.S.- Hathauri, District - Samastipur.
2. Nageshwar Das Son of Late Mohan Das Resident of Village -Kameshwar Nagar, P.S.- Hathauri, District – Samastipur ... Petitioners

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioners : Mr. Kundan Kumar, Adv.
For the Opposite Party : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-12-2021 Heard Mr. Kundan Kumar, learned Advocate for the petitioners and Mr. Binod Kumar, learned Additional Public Prosecutor for the State.

The petitioners seek bail in anticipation of their arrest in connection with Hathauri P.S. Case No. 105 of 2020 dated 14.08.2020 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

2499 liters of liquor is said to have been recovered from the cattle house belonging to petitioner no. 2.

The application for anticipatory bail of petitioner no. 2 thus is not maintainable and is dismissed.

So far as petitioner no. 1 is concerned, his name also has transpired in the FIR on the allegation that he too is involved in the trade of liquor.



Learned counsel for the petitioner has submitted that there is no direct evidence with respect to the involvement of petitioner no. 1 in the aforesaid case.

He does not have criminal antecedents.

In view of the aforesaid facts namely the clean record of petitioner no. 1 and nothing having been recovered from his constructive possession, he is directed to be released on bail, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bond in the sum of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-cum-Special Judge, Excise Act, Samastipur, in connection with Hathauri P.S. Case No. 105 of 2020 subject to the conditions as laid down under Section 438(2) of the Criminal Procedure Code.

The application stands disposed off.

(Ashutosh Kumar, J)

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