

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4017 of 2022

Arising Out of PS. Case No.-264 Year-2018 Thana- NADI P.S. District- Patna

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1. BHATTU RAI @ RAJENDRA RAI Son of Late Ganga Rai
 2. Santosh Kumar Son of Bhattu Rai @ Rajendra Rai
Both are Resident of Village- Jethuli, Police Station- Nadi, District- Patna.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Pandey, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 147, 148, 149, 353, 337, 338, 427, 431/34 of the Indian Penal Code read with Sections 30(a) and 45 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent.

The prosecution case is that the FIR named accused persons along with 30 unknown attacked the raiding party with pellet, lathi, danda due to which raiding party became injured and one Ajit Kumar sustained grievous injury.

Learned counsel for the petitioners further submits that petitioners have been falsely implicated in the present case. The petitioners are not named in the FIR and the case has been instituted



under the Excise Act in order to ensure that anticipatory bail is not granted to the accused persons. It is next submitted that the FIR does not disclose the quantity of liquor. It is also submitted at the cost of repetition that petitioner is a person with clean antecedent and no specific overt act is alleged against him and one similarly situated co-accused, namely, Sonu has been granted anticipatory bail by order dated 27.07.2021 in Cr. Misc. No. 13924 of 2021.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.3,000/- (Rupees Three Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Special Case No. 12083 of 2018 arising out of Nadi P.S. Case No. 264 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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