

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6366 of 2022

Arising Out of PS. Case No.-522 Year-2021 Thana- MALSALAMI District- Patna

1. MUNNA RAY S/o Shyam Ray @ Shyam Babu Ray R/o village- Damariya Ghat, P.S.- Malsalami, District- Patna
2. LALAN RAY S/o Pintu Ray R/o village- Sarifaganj, Ghat, P.S.- Malsalami, District- Patna
3. RAJU RAY S/o Pintu Ray R/o village- Sarifaganj, Ghat, P.S.- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioners and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Malsalami P.S. Case no. 522 of 2021 instituted for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 690 litres has been made from the bank of river Ganga and all accused persons managed to escape from spot by boat, which was seen by the patrolling party.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed



no offence. They have been falsely implicated in this case on mere suspicion. They have got no criminal antecedent. They have no concern with the alleged recovery or with the place of occurrence, which is an open area and easily accessible to all. 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 petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Malsalami P.S. Case no. 522 of 2021, they 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)

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