

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16668 of 2021

Arising Out of PS. Case No.-238 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

1. Surendra Ray, aged about 52 years, Male Son of Late Kedar Ray.
2. Mithilesh Kumar Yadav @ Mithesh Kumar Yadav, aged about 25 years, Male Son of Surendra Ray.
Both resident of Village- Dumariya Banathi Par, P.S.- Mufassil, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nalin Kumar, Advocate
For the Opposite Party/s	:	Mr. Jai Narayan Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 12-01-2022 Heard the parties through video conferencing.

The petitioners seek bail in anticipation of their arrest in connection with Chapra (M) P.S. Case No. 238 of 2020 instituted for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Considering the nature of allegations that all family members having been caught in a case of recovery of 43 bottles of Royal Stage from the house of the petitioners, wherein all family members are residing together, it cannot be said that the petitioners are the persons who has bought the bottles. The name of the petitioners figures on account of statement of another co-

accused.

Keeping in view the same, prima facie, case under Section 30 (a) could not be made out as against the petitioners.

In view thereof, I am inclined to grant bail to the petitioners, in the event of arrest they shall be released on anticipatory bail, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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