

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17960 of 2022

Arising Out of PS. Case No.-59 Year-2021 Thana- KOTWA District- East Champaran

1. UMESH DHANGAD Son of Jogi Dhangad Resident of Village - Dipau, P.S.- Kotwa, District - East Champaran
2. Raju Mahto Son of Late Bijli Mahto Resident of Village - Dipau, P.S.- Kotwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-07-2022 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 30(a), 32 and 41 of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 100 liters liquor from the house of four accused persons and 3,000 liter of raw java which was destroyed.

Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession, learned counsel



thereafter draws the attention of the Court to the allegation as alleged in the F.I.R. to submit that it has been clearly stated in the F.I.R. that on seeing the police, all the residents of Dhangad Toli left their houses open and thereafter the raid was conducted, thus it is submitted that when none of the residents of the village were present then how come the police came to know that the house belongs to the accused persons, this creates doubt with regard to the veracity of the allegation. Learned counsel next submits that even the witnesses of the seizure list are police personnel that further demonstrates that no one was present in the village to even become witness of the seizure, hence it is difficult to believe that police on their own would know that which house belong to which of the accused persons. It is further submitted that from perusal of the allegation it would manifest that 3,000 litres of raw *jawa* is alleged to have been recovered but very casually it has been alleged that it was recovered from different houses, this amply demonstrates that the police was not knowing that from whose house the raw *jawa* was recovered, thus it appears that police at their will implicated the innocent persons.

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. 5,000/- (Rupees Five 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 Kotwa P.S. Case No. 59 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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