

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28709 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- MAHESI District- East Champaran

1. Dhiraj Kumar @ Dhiraj Rai S/O Jailal Rai Resident Of Village Mojahida, P.S-Mehsi, District-East Champaran.
2. Manish Kumar S/O Mishrilal Sah R/O Village-Kaswa, P.S-Mehsi, District-East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-02-2022 Heard learned counsel for the petitioners and

learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 30(a), 32, 41 of the Bihar Prohibition & Excise Act.



It is submitted by learned counsel for the petitioners that petitioner No. 2 namely Manish Kumar has been arrested. Hence, he seeks permission to withdraw the petition with respect to petitioner No. 2.

permission is accorded.

Accordingly, the petition with respect to petitioner No. 2 namely Manish Kumar is permitted to be withdrawn.

There is recovery of 501.12 litres of Indian made foreign liquor from the hut of Shanti Devi. The petitioners and others are alleged to have stolen the contraband in the hut of Shanti Devi.

It is submitted by learned counsel for the petitioners that petitioner No. 1 was not apprehended from the spot. Nothing has been recovered from the conscious possession of the petitioner. The petitioner No. 1 has no concern with Shanti Devi. A statement has been made in para 3 of the petition that petitioner No. 1 has no criminal antecedent.



Considering the aforestated facts, let the petitioner No. 1, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Motihari, East Champaran in connection with Mahesi P.S. Case No. 8 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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