

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40837 of 2022

Arising Out of PS. Case No.-173 Year-2022 Thana- PATORI District- Samastipur

1. AMARNATH RAI @ AMARNATH KUMAR Son of Ramishwar Ray
Resident of Village - Mohanpur, P.O.- Baghra, District - Samastipur.
2. Avinash Kumar Son of Ramishwar Ray Resident of Village - Mohanpur,
P.O.- Baghra, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishal Vikram Rana

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-09-2022 Heard learned counsel for the parties through video conferencing.

The petitioners apprehend their arrest in a case registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act and Section 272/273 of the I.P.C.

727 liters of foreign liquor has been recovered from a Bolero vehicle.

It is submitted on behalf of petitioners that petitioners are neither owner nor driver of vehicle in question and nothing has been recovered from their conscious possession, but they have been made accused only on suspicion.

However, learned A.P.P. for the State opposes the



prayer for anticipatory bail and submits that out of two petitioners, petitioner no. 1 has got one criminal antecedent of similar nature.

Considering the criminal antecedent of similar nature of case, the prayer for anticipatory bail of petitioner no. 1 is rejected.

However, since **petitioner no. 2** namely Avinash Kumar has got clean antecedent, he is directed to be released on bail, in the event of his arrest or surrender within a period of six weeks from the date of receipt / production of copy of this order, on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd cum Special Judge Excise, Samastipur in connection with Patori (Mohanpur O.P.) P.S. Case No. 173 of 2022, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J)

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