

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55079 of 2021

Arising Out of PS. Case No.-121 Year-2021 Thana- ISUAPUR District- Saran

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1. BABLU NUT Son of Jamir Nut Resident of Village - Usari Kala, P.S.- Isuapur, District - Saran (Chapra).
 2. Lal Babu Nut Son of Late Multan Nut Resident of Village - Usari Kala, P.S.- Isuapur, District - Saran (Chapra).
 3. Surendra Nut @ Surendra Nat Son of Late Multan Nut Resident of Village - Usari Kala, P.S.- Isuapur, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-04-2022 At the very outset, learned counsel for the petitioners seeks permission to withdraw the petition of petitioner no.1, namely, Bablu Nut since he has been arrested and petitioner no.3, namely, Surendra Nut @ Surendra Nat.

Permission is accorded.

Accordingly, the petition of petitioner no.1, namely, Bablu Nut and petitioner no.3, namely, Surendra Nut @ Surendra Nat is dismissed as withdrawn.

Heard learned counsel for the petitioner no.2, namely, Lal Babu Nut and learned APP for the State.

The petitioner no.2 is apprehending his arrest in a case registered for the offences punishable under Sections 30(a), 32 and 36 of the Bihar Prohibition and Excise Act.

It is a case of recovery of about 30 liters of country



made liquor from the joint courtyard of petitioner no.1 Bablu Nut and petitioner no.3 Surendra Nut.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in this case. He further submits that only two persons are involved for one occurrence which is not proper in the eye of law. The seizure list shows that the incriminating wine was recovered from the joint house of Bablu Nut and Surendra Nut @ Surendra Nat and there is no specific mention in the seizure list as to which portion relates to whom. The accused Surendra Nut @ Surendra Nat is not the petitioner because his bail petition has been withdrawn on request. Petitioner no.2 has got clean antecedent.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, let the petitioner no.2, namely, Lal Babu Nut, 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 thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran, Chapra in connection with Isuapur P.S. Case No. 121 of 2021, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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