

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48669 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- SIKARHATTA District- Bhojpur

1. DHARMENDRA SINGH S/O RADHA SINGH Resident of village- Sikarhatta Kala, Bharosi Tola, P.S.- Sikarhatta in the district of Bhojpur.
2. ARJUN SINGH S/O KAMESHWARI SINGH Resident of village- Sikarhatta Kala, Bharosi Tola, P.S.- Sikarhatta in the district of Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioners and learned APP
for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Sikarhatta P.S. Case no. 105 of 2022 instituted for the offence under Section 30(a) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 20 litres country made liquor from a plastic bag which was being taken by the accused persons for business. On seeing the police party, accused persons, including the petitioners succeeded in fleeing away.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have got no criminal antecedent. Petitioners have no



concern with the alleged recovery or with the place of occurrence. The name of the petitioner has been disclosed in this case by the local chaukidaar before the police, which has no evidentiary value in the eye of law. Neither the petitioners were arrested nor any incriminating article has been recovered from their possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Sikarhatta P.S. Case no. 105 of 2022, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. II, Bhojpur at Ara subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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