

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53986 of 2022

Arising Out of PS. Case No.-376 Year-2022 Thana- MALSALAMI District- Patna

1. Lalbabu Ray S/O Sanjivan Ray Resident Of- Nurdinganj Ghat Kinare, P.S.- Malsalami, District- Patna
2. Mukesh Ray @ Mukesh Kumar S/O Sanjivan Ray Resident Of- Nurdinganj Ghat Kinare, P.S.- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-11-2022 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 Malsalami P.S. Case no. 376 of 2022 instituted for the offence under Sections 30(a), 36 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 25 liters illicit country made liquor which was loaded on a motorcycle bearing Reg. No. BR01CG3143.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. They have got no criminal antecedent. Petitioners have no concern with the alleged recovery of illicit or with the place of occurrence. It is



further submitted that the said motorcycle which was recovered from the place of occurrence does not belong to these petitioners. The name of the petitioners have been disclosed in this case by co-villagers. Neither the petitioners were arrested on spot nor any incriminating article has been recovered from their conscious 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 Malsalami P.S. Case no. 376 of 2022, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City, Dist-Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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