

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55753 of 2022**

Arising Out of PS. Case No.-397 Year-2021 Thana- MOKAMAH District- Patna

1. Kanhaiya Kumar @ Kanhaiya Paswan S/o Sri Dilip Paswan R/V- Panchmahla, Ward no. 24, P.S.- Mokama, Distt- Patna.
2. Reena Devi @ Pramila Devi W/o Sri Dilip Paswan R/V- Panchmahla, Ward no. 24, P.S.- Mokama, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kumar Manglam  
For the Opposite Party/s : Mr. Md. Aslam Ansari

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      17-11-2022                      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 Mokama P.S. Case no. 397 of 2021 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 60 liters country made liquor from the house of Dilip Paswan as per seizure list.

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 of illicit liquor or with the place of occurrence. It is further submitted that the main



accused who is the father of petitioner no.1 had already been arrested in this case and it is not proper to implicate several family members of same offence in this case. 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 Mokama P.S. Case no. 397 of 2021, 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 Act, Barh, 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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