

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65599 of 2022

Arising Out of PS. Case No.-221 Year-2022 Thana- MUFFASIL District- Aurangabad

1. Kishore Pal @ Ram Kishore Bhagat S/O Vijay Pal @ Vijay Bhagat R/V- Karma Bhagwan, P.S.- Aurangabad (Muffasil), Distt- Aurangabad.
2. Vijay Pal @ Vijay Bhagat S/O Late Keshwar Bhagat R/V- Karma Bhagwan, P.S.- Aurangabad (Muffasil), Distt- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kuma, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-12-2022 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 Aurangabad (Muffasil) P.S. Case no. 221 of 2022 instituted for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 12 liters country made liquor from an open land situated near village Karma Bhagwan.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They has got no criminal antecedent. Petitioners have no concern either with the alleged recovery of illicit liquor



or with the open land from where the recovery has been made. The name of the petitioners transpired in this case only on the basis of statement made by local Chaukidar. Petitioners were not present at the place of occurrence and nothing 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 Aurangabad (Muffasil) P.S. Case no. 221 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 Court no.1 Aurangabad subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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