

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71642 of 2021

Arising Out of PS. Case No.-446 Year-2020 Thana- BARH District- Patna

1. Suchit Rai @ Sachit Rai Son of Rajendra Rai Resident of Village- Pachiyari Malahi, P.S.- Barh, District- Patna.
2. Prithivi Ray Son of Parmeshwar Rai Resident of Village- Pachiyari Malahi, P.S.- Barh, District- Patna.
3. Govind Ray Son of Rajendra Rai Resident of Village- Pachiyari Malahi, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 14-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners are apprehending their arrest in connection with Barh P.S. Case No. 446 of 2020 (Special Case No. 7307 of 2020) registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

As per the F.I.R., there is recovery of 108 liters of country made liquor from the bank of Ganga river and the



petitioners are alleged to have fled away from the place of occurrence on seeing the raiding party.

Learned counsel for the petitioners submits that the place where the alleged recovery was made does not belong to the petitioners and they have no concern with the alleged recovery, petitioners were not involved in the crime and their name have been transpired by the *Chowkidar* due to local politics. It is further submitted that similarly situated other co-accused persons have been granted anticipatory bail by the Coordinate Bench of this Court vide order dated 10.09.2021 passed in Criminal Misc. No. 33834 of 2021, order dated 15.12.2021 passed in Criminal Misc. No. 19168 of 2021, order dated 19.01.2022 passed in Criminal Misc. No. 24928 of 2021 and order dated 24.05.2022 passed in Criminal Misc. No. 66000 of 2021 and the case of these petitioners also stand on similar footing.

Learned A.P.P. for the State has opposed the prayer of anticipatory bail application of the petitioners.

Considering the facts that the petitioners were not apprehended from the spot, nothing incriminating article has been recovered from their conscious possession and similarly situated co-accused persons have been granted anticipatory bail



by the Coordinate Bench of this Court, as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioners, above named, in the event of their arrest/surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Patna in connection with Barh P.S. Case No. 446 of 2020 (Special Case No. 7307 of 2020), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

ved/-

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