

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61719 of 2022

Arising Out of PS. Case No.-215 Year-2022 Thana- KHAGARIA District- Khagaria

1. SANJAY SHARMA @ SAJAN KUMAR S/o Rohin Sharma @ Rohit Sharma R/o Village- Tribhuvan Tola, P.S.- Khagaria(Muffasil), Distt-Khagaria.
2. Rohit Sharma @ Rohin Sharma S/o Kamal Sharma R/o Village- Tribhuvan Tola, P.S.- Khagaria(Muffasil), Distt- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioners submits that petitioners have antecedent of one case and allegation is of recovery of 60 litres liquor from bank of Bagmati river along with 1000 litres semi-prepared liquor which was destroyed at the spot.

Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession and they came to be implicated at the instance of *chowkidar*, it is next submitted that even the alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Khagaria (Muffasil) P.S. Case No. 215 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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