

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63459 of 2022

Arising Out of PS. Case No.-389 Year-2022 Thana- SONEPUR District- Saran

1. Bittu Rai Son Of Sujan Rai @ Lalbabu Rai R/O Village- Parvezabad, P.S.- Sonepur, District- Saran
2. Brajesh Rai Son Of Raj Kumar Rai @ Bihari Rai R/O Village- Badrahi, P.S.- Sonepur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, 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 Sonpur P.S. Case no. 389 of 2022 instituted for the offence under Section 30(A) of Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total country made foreign liquor of 48.6 liters from a tempo bearing Registration No. BR31PA-1199.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and



have committed no offence. It is further submitted that they have got no criminal antecedent and have been falsely implicated in the present case. They have no concern either with the alleged recovery of liquor or with the tempo in question. The name of the petitioners has been disclosed by apprehended co-accused namely, Abhishek Kumar, which has got no evidentiary value in the eye of law. 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 Sonpur P.S. Case no. 389 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 2nd Exclusive Special Excise Court, Saran at Chapra. subject to the conditions as laid down under section 438(2) of the



Cr.P.C.

(Sunil Kumar Panwar, J)

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