

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66220 of 2022

Arising Out of PS. Case No.-358 Year-2022 Thana- VAISHALI District- Vaishali

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Bablu Singh S/O Lalu Singh Resident Of Village- Abul Hasanpur, P.S.-
Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 67458 of 2022

Arising Out of PS. Case No.-358 Year-2022 Thana- VAISHALI District- Vaishali

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MITHILESH KUMAR Son of Lalu Singh R/v- Abul Hasanpur, P.S.- Vaishali,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 66220 of 2022)

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

(In CRIMINAL MISCELLANEOUS No. 67458 of 2022)

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Harendra Prasad

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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 Vaishali P.S. Case no. 358 of 2022 instituted for the offence
under Sections 30(a) / 32(ii) / 41(i) of the Bihar Prohibition and



Excise Act.

Prosecution case relates to recovery of total 3429 liters illicit liquor from three different vehicles.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. A statement has been made in para 3 of the petition that the petitioners have got no criminal antecedent. It is further submitted that petitioners are neither the owner nor the driver of the said vehicles from there the recovery has been made. They have no concern with the alleged recovery of illicit liquor. The name of the petitioners have been disclosed in this case by the apprehended co-accused person 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 Vaishali P.S. Case no. 358 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 Exclusive Special Excise Court (Second)-cum-Additional District and Sessions Judge, Vaishali at Hajipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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