

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18120 of 2023

Arising Out of PS. Case No.-305 Year-2022 Thana- KASIMBAZAR District- Munger

1. AMIT KUMAR @ TOOFANI S/O BILLO SAHANI Resident of Village- Godhi Tola, P.S.- Kashim Bazar, District- Muger
2. RAJESH KUMAR SAHNI @ RAJESH KUMAR S/O BILLO SAHANI Resident of Village- Godhi Tola, P.S.- Kashim Bazar, District- Muger

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Deep Nishi, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 10-05-2023 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 Sections 37 and 45 of the Bihar Prohibition and Excise Act, 2018.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

Allegation against the petitioners is that the petitioners along with other persons tried to free a person who was arrested on the charge that he was in drunken condition.

Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further submitted that the petitioners came to be implicated based on the disclosure



made by their father who was arrested since he was found drunk. Learned counsel submits that the law is clear that a man found drunk cannot be arrested but he has to be released on police bail but the police were demanding bribe on account of which several people gathered including the petitioners and they had heated exchange of words with the police and thereafter they came to be implicated falsely alleging that name was disclosed by their father.

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.1,000/- (Rupees One 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 Kashim Bazar P.S. Case No. 305 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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