

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22346 of 2023

Arising Out of PS. Case No.-135 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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1. VIJAY KODA Son of Late Kona Koda @ Late Puna Koda R/o Village - Shrikishun Kodasi, Kachhiyani Tola (Pachiyari Tola), P.S.- Kajra, Distt- Lakhisarai
 2. Baldev Koda Son of Aatu Koda R/o Village - Shrikishun Kodasi, Kachhiyani Tola (Pachiyari Tola), P.S.- Kajra, Distt- Lakhisarai
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Irshad, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioner submits that the defects,
as pointed out by the office, shall be removed in course of the day.

The petitioners apprehend their arrest in a case registered
for the offences punishable under Sections 30(a), 32, 41 and 56(A) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioners submits that petitioner
no. 1 has antecedent of one case and petitioner no. 2 has antecedent
of two cases.

Allegation is of recovery of 15 litres of liquor from a
gallon which was found in front of the house of petitioner no. 2, 10
litres of liquor from the house of Mahesh Koda and 5 litres of liquor
which was found in front of the house of petitioner no. 1 concealed



under woods.

Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and they came to be implicated based on secret information which is the easiest way to implicate someone. It is further submitted that even the alleged recovery is from a place which does not belong to the petitioners.

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 Excise P.S. Case No. 135C2 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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