

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16188 of 2023

Arising Out of PS. Case No.-02 Year-2023 Thana- SARAI District- Vaishali

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1. AMAN KUMAR S/O- UMESH RAY Resident of Village- Jahangirpur
Paterhi Ps- Sarai Dist- Vaishali
 2. Maharaja @ Bhutkun Rai @ Arvind Kumar S/O- Vinod Ray Village-
Matiyara Tok Ps- Sarai Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 22-05-2023 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

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

Allegation is of recovery of 79.560 litres of liquor from the cow shed of the petitioner and 1.5 litres of liquor for a motorcycle.

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 cow shed is an open place and, as such, is accessible to the villagers at large and no prudent person would use his own premise for committing a crime and thus would create evidence against himself and hence would get implicated. It is next submitted that petitioners are not the owner of the motorcycle. Learned counsel at the cost of repetition submits that petitioners are persons with clean antecedent.

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 Sarai P.S. Case No. 02 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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