

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30558 of 2023

Arising Out of PS. Case No.-798 Year-2022 Thana- GARKHA District- Saran

1. MANOJ NAT SON OF SATRUDHAN NAT R/O-MAIKI KOTWA (BARIDIH), P.S.-GARKHA, DISTT.-SARAN AT CHHAPARA
2. ANIL NAT @ JHINGAN NAT SON OF LATE PHULENA NAT R/O-MAIKI KOTWA (BARIDIH), P.S.-GARKHA, DISTT.-SARAN AT CHHAPARA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and the State.

Petitioners apprehends their arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition Excise Act, 2016.

Prosecution case is that 90 liters of country made liquor was recovered from the house of petitioner no. 2.

Learned counsel appearing for the petitioners submits that nothing has been recovered from the conscious possession of petitioners. The recovery has been made from the hut of petitioner no.2 whereas nothing has been recovered from the conscious possession of petitioner no.1. Petitioner no. 1 has got clean antecedent while petitioner no. 2 is on bail in two cases of



similar nature.

Learned counsel for the State opposes the prayer for pre-arrest bail and submits that the huge number of liquor recovered from the house of petitioner no. 2.

Considering the facts of the case as also the fact that huge quantity of liquor has been recovered from the house of petitioner no.2, prayer for anticipatory bail(petitioner no.2) is rejected.

So far petitioner no. 1 is concerned, there is no recovery either from the house or from his conscious possession and has got clean antecedent.

Considering the facts of the case, in the event of arrest/surrender within six weeks from today, let the petitioner no. 1, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge Excise-I, Saran at Chapra in connection with Garkha Police Station Case No. 798 of 2022 subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Alok Verma/-

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