

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32024 of 2023

Arising Out of PS. Case No.-239 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

1. VIKESH SAH Son of Nami Sah Resident of Village- Amarpura, P.S.- Mohamadpur, District- Gopalganj
2. Nikesh Sah son of Nami Sah Resident of Village- Amarpura, P.S.- Mohmadpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshay Ashish, Advocate
For the Opposite Party/s : Mr. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-05-2023 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 Act, 2018.

Learned counsel for the petitioners submits that petitioner has antecedent of one case.

Allegation is of recovery of 52 litres of liquor from gunny bag and gallon allegedly thrown by the accused persons.

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 by the Chawkidar with whom they are on an inimical



term. It is further submitted that even the alleged recovery is from a place which is accessible to public at large. It is next submitted that petitioners because of their antecedent were implicated by the Chawkidar.

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.5,000/- (Rupees Five 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 Mohammadpur P.S. Case No. 239 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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