

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38734 of 2023

Arising Out of PS. Case No.-179 Year-2023 Thana- BARUN District- Aurangabad

1. HARI BHUIYAN Son of Late Maheshwar Bhuiyan Resident of village - Manjhauli Karamkila Tola Bhuiyan Bigha, P.S. - Barun, Distt. - Aurangabad
2. PANWAS @ PANBASWAN BHUIYAN Son of Hari Bhuiyan Resident of village - Manjhauli Karamkila Tola Bhuiyan Bigha, P.S. - Barun, Distt. - Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-06-2023 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 30(a) and 30(c) of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 25 litres of liquor from a guava orchard and two thousand litres of raw *mahua* which was destroyed at the spot at the bank of Sone river.

Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession, it is further submitted that even the alleged recovery is from a place which is accessible to public at large and does not belong to the petitioners and they came to be implicated at the instance of *Chowkidar* with whom they are on an inimical term, further the petitioners are not the owners of the orchard.

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 Barun P.S. Case No. 179 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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