

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41109 of 2023

Arising Out of PS. Case No.-318 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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1. Kamlesh Rai S/O Mahesh Rai, R/O Village- Jurabanpur, P.S- Bidupur, Distt.- Vaishali.
 2. Anshu Rai @ Anshu Kumar S/O Jagdish Rai, R/O Village- Jurabanpur, P.S.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of Bihar Excise Act.

3. As per the prosecution, total 44.280 litre of foreign liquor has been recovered from *Bansbari* situated near the house of petitioners.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He further submits that nothing was recovered from possession of the petitioners nor they were apprehended from the place of

occurrence. Counsel further submits that the name of the petitioners have figured in this case by virtue of disclosure made by co-villagers. Counsel further submits that the ingredient of excise act not available in this case. He further submits that petitioners have no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond to the satisfaction of learned Exclusive Special Excise Court-II-cum- Additional District and Sessions Jdudge, Vaishali at Hajipur in connection with Hajipur Excise P.S. Case No. 318 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

(Dr. Anshuman, J.)

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