

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 41536 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- HATHUA District- Gopalganj

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1. PRABHU KUMAR SINGH @ PRABHU SINGH S/O SURENDRA BHAGAT R/O VILLAGE- HATHUA BUJURG, PS. HATHUA, DIST. GOPALGANJ
 2. GOVIND KUMAR S/O VIJENDRA BHAGAT R/O VILLAGE- HATHUA BUJURG, PS. HATHUA, DIST. GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr Abhay Kumar, APP

CORAM: HONOURABLE MR JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

2 02-08-2023 Heard learned counsel for the petitioners and the learned APP for the State.

2 The petitioners apprehend their arrest in connection with Hathua PS Case No 81 of 2023 instituted under Section 30 (a) of Bihar Prohibition & Excise Act, 2018.

3 As per the prosecution case, 45.900 liters of foreign wine was recovered from three gunny bags near the bamboo plant and the petitioners along with other co-accused persons have fled away from the place of occurrence.

4 Learned counsel for the petitioners submits that the petitioners are innocent and have not involved in selling and manufacturing the illegal liquor and have been falsely



implicated due to local politics. The recovery of illegal wine was near bamboo plant which is an open place. They have no criminal antecedent.

5 Learned APP opposes the prayer for anticipatory bail.

6 Considering the fact that recovered liquor was from the open place and the names of the petitioners were disclosed as being managed to flee away and that they have no criminal antecedent, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II -cum- Special Judge, Excise Court No I, Gopalganj in connection with Hathua PS Case No 81 of 2023, subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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