

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45362 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- DIGHWARA District- Saran

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1. SANJAN SINGH SON OF SHRI SINGH RESIDENT OF VILLAGE-MANUPUR BAGAH, PS- DARIYAPUR, DISTT- SARAN AT CHAPRA
 2. MANOJ MAHTO SON OF TIPAN MAHTO RESIDENT OF VILLAGE-MANUPUR BAGAH, PS- DARIYAPUR, DISTT- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kanahaiya Kishore(APP-100)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 04-08-2023 1. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.
2. The petitioners apprehend their arrest in connection with Dighwara P.S. Case No. 72 of 2023, registered for the offences punishable under Section 30 (a) of the Bihar Prohibition Excise Act, 2016.
3. The allegation is regarding the informant along with police force having raided the Diyara area at Bandukwa Tand, whereupon 480 litres of illicit liquor was recovered, however, the accused persons managed to flee away. It is further alleged that while the informant and his police force were



engaged in destroying the Bhatti, they saw some miscreants coming on two motorcycles, however, upon seeing the police they left the motorcycles and fled away.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that the petitioner no. 1 is having a clean antecedent while the petitioner no. 2 is an accused in one another criminal case. It is also submitted, by referring to paragraph no. 8 of the present petition, that the motorcycles in question do not belong to the petitioners. Lastly, it is submitted that no illicit country made liquor has been recovered from the house of the petitioners, hence no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.



6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioners have categorically stated that the motorcycles in question do not belong to them and, moreover, no illicit liquor has been recovered from the house of the petitioners, *prima facie* this Court finds that no case is made out as against the petitioners herein under the provisions of the Bihar Prohibition and Excise Act, 2016, hence the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, shall not be an impediment for the purposes of grant of anticipatory bail to the petitioners herein, hence I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

7. Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from



the date of receipt/ production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.- 2nd, Saran at Chapra in connection with Dighwara P.S. Case No. 72 of 2023, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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