

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57680 of 2023

Arising Out of PS. Case No.-145 Year-2023 Thana- CHAKIA District- East Champaran

1. Jay Prakash Kumar Son Of Munnilal Sah Resident Of Village- Vanarjhula (BANJHULA), P.S.- Chakiya, District- East Champaran
2. Rahul Kumar Sah @ Rahul Kumar Son Of Shivnath Sah Resident Of Village- Vanarjhula (BANJHULA), P.S.- Chakiya, District- East Champaran
3. Golu Kumar Sah @ Golu Kumar Son Of Harendra Sah @ Hari Sah Resident Of Village- Vanarjhula (BANJHULA), P.S.- Chakiya, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Chakiya P.S. Case No. 145 of 2023 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, 15.750 liters of foreign liquor was recovered from maize field of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. There is no recovery made from the conscious possession



of the petitioners. They were not arrested from the place of occurrence. The recovery is made from the open field and the petitioners have no concern with the place of occurrence. Petitioners have no criminal antecedent.

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

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of their 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 learned Exclusive Special Excise, Court No. I, East Champaran Motihari in connection with Chakiya P.S. Case No. 145 of 2023, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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