

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46356 of 2023

Arising Out of PS. Case No.-1205 Year-2022 Thana- TURKAULIYA District- East
Champaran

-
1. Rohit Kumar Son Of Manoj Sah Resident Of Village- Kharwa, Ps- Banjaria, Distt- East Champaran
 2. America Sah Son Of Shivbachan Sah Resident Of Village- Kharwa, Ps- Banjaria, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioners and the
State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 272, 273/34 of the IPC and section 30a and other sections of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, 30 liters country made liquor was recovered from the river side.

4. Learned counsel appearing for the petitioners submits that no incriminating material has been recovered from the conscious possession of the petitioners. Petitioner no.1 has got no criminal antecedent.



5. Learned counsel appearing for the State opposes the prayer for bail and submits that petitioner no.2 has got criminal antecedent of similar nature, as such, he cannot be allowed privilege of pre-arrest bail.

6. Considering the fact that the petitioner no.2 has got criminal antecedent of similar nature, his prayer for bail is refused.

7. Considering the aforesaid facts of the case, prayer for bail of the petitioner no. 1 who claims clean antecedent, is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Court No.1, Motihari, East Champaran in Turkauliya (Banjaria OP) Police Station Case No. 1205 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

