

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46068 of 2023

Arising Out of PS. Case No.-161 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

1. VAIDHNATH KUMAR @ BAIJNATH RAY @ VAIJNATH KUMAR S/O DEVENDRA RAY @ YADUVANSH ROY R/O Vill/Mohalla- Uttri Dhamaun, P.S- Shahpur Patori, Distt.- Samastipur.
2. Nitish Kumar S/O Vinay Ray @ Vijay Ray R/O Vill/Mohalla- Uttri Dhamaun, P.S- Shahpur Patori, Distt.- Samastipur.
3. Madhu Kumar S/O Umesh Ray @ Bhulli Ray R/O Vill/Mohalla- Uttri Dhamaun, P.S- Shahpur Patori, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Shahpur Patori Police Station Case No. 161 of 2023, dated 07.03.2023, disclosing offence under Sections Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

The prosecution case, as per the First Information Report, is that the police, on 07.03.2023, on the basis of secret information that four persons were carrying illicit liquor on a motorcycle from Hetanpur, arrived at the place of occurrence, in



the night and upon seeing police party, the persons sitting on the motorcycle fled away after throwing the bags containing illicit liquor in the maize field of one Braj Kishore Ray. Upon search, police recovered 80 liters of illicit desi mahua liquor kept in the polythene.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated on the basis of secret information received by the police. He further submits that illicit liquor has not been recovered from the premises belonging to the petitioners and the petitioners have been implicated due to dirty village politics.

After having heard learned Counsel for the parties and taking into consideration the fact that illicit liquor has not been recovered from the premises belonging to the petitioners and that the same has been recovered from the maize field of one Braj Kishore Ray, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of learned 2nd Special Judge
(Excise), Samastipur, in connection with Shahpur Patori Police
Station Case No. 161 of 2023, subject to the condition laid
down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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