

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52498 of 2023

Arising Out of PS. Case No.-343 Year-2022 Thana- BHANGWANPUR HAT District- Siwan

1. Dinesh Ram @ Dinesh Kumar Ram S/O Radha Krishna Ram R/O Village-Aruwa, P.S.-Bhagwanpur Hat, District-Siwan.
2. Rambabu Ram @ Rambabu Kumar Ram S/O Radha Krishna Ram R/O Village-Aruwa, P.S.-Bhagwanpur Hat, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-08-2023 Heard Mr. Gajendra Kumar Singh, learned counsel
appearing on behalf of the petitioners and Mr. Manoj Kumar,
learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection
with A.B.P. No. 1505 of 2023 arising out of Bhagwanpur Hat
P.S. Case No. 343 of 2022 registered under Sections 30(a) of
Bihar Prohibition and Excise Act, 2016.

3. As per the allegation made in the F.I.R., altogether
6 litres of Mahua recovered from outside the Bathan of the
petitioners.

4. Learned counsel appearing on behalf of the
petitioners submits that alleged recovery was made from outside



the Bathan of the petitioners and they have no concern with it. Learned counsel further submits that petitioners have clean antecedent.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the nature of allegation made against the petitioners as well as the total quantity of liquor which has been recovered is only 6 litres, I am of the opinion that petitioners have made out a, *prima facie*, case to be released on anticipatory bail.

7. Court below is directed to release the petitioners on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Exclusive Special Excise Court No. 1, Siwan, in connection with Bhagwanpur Hat P.S. Case No. 343 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners



is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

Manish/-
Minu/-

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