

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55652 of 2023

Arising Out of PS. Case No.-433 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. RAMBHAJAN SAH SON OF RAMDEO SAH VILL LAXMIPUR, PS-
LAKHAURA, DIST- EAST CHAMPARAN, MOTIHARI
 2. PAWAN RAY @ PAWAN KUMAR YADAV SON OF BACHAN RAI VILL
LAXMIPUR, PS- LAKHAURA, DIST- EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-08-2023 Heard learned counsel for the petitioners and the
State.

2. Petitioners apprehend arrest in a case registered for
the offences punishable under Sections 30(a), 32, 41(i) of the
Bihar Prohibition and Excise Act.

3. As per prosecution case, 12 litres country made
liquor has been recovered near the canal.

4. Learned counsel for the petitioners submits that no
incriminating material has been recovered from the conscious
possession of these petitioners. Petitioner no. 2 claims clean
antecedent.

5. Learned A.P.P. for the State opposes the bail



application and submits that petitioner No. 1 has got one criminal antecedent of similar nature.

6. Considering the fact that petitioner No. 1 has got one criminal antecedent of similar nature, **prayer for anticipatory bail of petitioner No. 1 is rejected.** However, in view of the clean antecedent, **anticipatory bail with regard to petitioner No. 2 is allowed** and it is ordered that let the above named petitioner No. 2 in the event of his arrest/surrender before the court below within a period of six weeks from today, 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, Civil Court in connection with Muffasil (Lakhaura) P. S. Case No. 433 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This case is disposed of.

(Prabhat Kumar Singh, J)

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