

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54132 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- TARIYANI CHOWK District- Sheohar

1. Devendra Kumar @ Devendra Yadav Son of Ganesh Ray R/O-Chandidhap, P.S.-Rajepur, Distt.-East Champaran At Motihari
2. Ram Naresh Ray Son of Late Ramawtar Rai R/O-Chandidhap, P.S.-Rajepur, Distt.-East Champaran At Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 30 litres illicit liquor has been recovered from a bamboo clump.

4. It is submitted that no incriminating material has been recovered from the conscious possession of the petitioners and they have been made accused only on suspicion.

5. Learned A.P.P. for the State opposes the bail application and submits that petitioner No. 1 has got one



criminal antecedent.

6. Considering the fact that petitioner No. 1 has got one criminal antecedent, **prayer for anticipatory bail of petitioner No. 1 is rejected.** However, **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 Judge, Excise, Sheohar in connection with Tariyani P. S. Case No. 105 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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