

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59770 of 2023

Arising Out of PS. Case No.-228 Year-2023 Thana- KESARIA District- East Champaran

1. SACHINDRA RAI @ JHUMAN RAI Son of Shakal Rai Resident of Village-Kadhan, P.S.-Kesariya, District-East Champaran.
2. UMA RAI Son of Late Byash Rai Resident of Village-Kadhan, P.S.-Kesariya, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-09-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Kesariya P.S. Case No. 228 of 2023 dated 06.05.2023 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act.

4. As per the prosecution case, 50 litres of country



made liquor was recovered from the field situated behind the shop of Bachchu Lal Rai.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. The name of the petitioners was disclosed by the villagers and owner of the shop namely, Bachchu Lal Rai. Nothing has been recovered from the possession of the petitioners. It is further submitted that the petitioners have no concern with the alleged recovery. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/-(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of learned Court concerned, Motihari, East Champaran in connection with Kesariya P.S. Case No. 228 of 2023, subject to the condition as laid down



under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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