

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58561 of 2023

Arising Out of PS. Case No.-181 Year-2023 Thana- GARKHA District- Saran

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1. BIRENDRA RAY son of Ram Pravesh Ray Village- Kasina P.S.- Garkha District - Saran
 2. Raju Ray @ Raju Ranjan Kumar son of Birendra Ray Village- Kasina P.S.- Garkha District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 06-09-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Garkha P.S. Case No. 181 of 2023 instituted under Sections
30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 200 liters of
country made liquor was recovered from the clay field of
petitioner No. 1.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have been falsely implicated in this
case. Nothing incriminating material has been recovered from
the conscious possession of the petitioners and they have no



concern with the seized liquor or motorcycle. The recovery is made from the open field having access to the general public. The petitioners have no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge – cum- 1st Exclusive Special Excise Judge, Chapra, Saran in connection Garkha P.S. Case No. 181 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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