

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59345 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- KARPURIGRAM District- Samastipur

1. Vishwanath Kumar @ Takla, Son of Ram Narayan Bhagat R/o village - Aadharpur, ward no. 4, P.S. - Karpurigram, District - Samastipur
2. Sanjay Kumar @ Sanjay Kumar Yadav, Son of Lakhan Bhagat @ Ratan Bhagat, R/o village - Aadharpur, ward no. 4, P.S. - Karpurigram, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aprajita, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Karpurigram P.S. Case No. 60 of 2023 registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition & Excise Act, 2016.

3. As per the prosecution case, total 387.420 litres of illicit foreign liquor was recovered from the bamboo clump. Allegation against the petitioners is that the seized liquor belongs to the petitioners who fled away from the spot and identified by the local chaukidar.

4. Learned counsel for the petitioners submits that the



petitioners have falsely been implicated in this case. Petitioners have no concern with the said recovered liquor. No incriminating article has been recovered from the conscious possession of the petitioners and the place of occurrence is easily accessible to public. Petitioner no. 1 has no criminal antecedent and petitioner no. 2 has one criminal antecedent in which he is on bail.

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

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 to each to the satisfaction of the learned Special Judge, Excise -01, Samastipur in connection with Karpurigram P.S. Case No. 60 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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