

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62362 of 2023**

Arising Out of PS. Case No.-269 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Bablu Mali @ Bablu Kumar Son Of Ramadhar Mali Village Dirkhili , P.S. Durgawati , District Kaimur At Bhabua
2. Niraj Ram @ Niraj Kumar S/O Dakshraj Ram R/O Vill - Mahro Khurd, P.S. - Mohania, Distt. - Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Raj Kishor Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 11-10-2023

1. It is submitted on behalf of the petitioners that petitioner no. 1 namely Bablu Mali @ Bablu Kumar has already been arrested and hence he seeks permission to withdraw the application on behalf of petitioner no. 1 as the application has become infructuous.

2. Permission is accorded.

3. Accordingly, this application is disposed of as withdrawn with regard to petitioner no. 1.

4. Heard learned counsel for the petitioners and the State.

5. Petitioners apprehend arrest in a case registered for the offences punishable Under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, 47.540 liters of illicit



liquor has been recovered.

4. Learned Counsel for the petitioner submits that petitioner no. 2 is neither driver nor owner of the vehicle in question. No incriminating material has been recovered from the conscious possession of the petitioner no. 2. Petitioner no. 2 claims clean antecedent.

5. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner no. 2 namely Neeraj Ram @ Neeraj Kumar, 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 Additional Session Judge-7th-cum-Special Judge, Excise-II, Kaimur/concerned court below in connection with Durgawati P. S. Case No. 269 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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