

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72066 of 2022**

Arising Out of PS. Case No.-690 Year-2021 Thana- SONEPUR District- Saran

1. Shambhu Rai S/o Deoraj Rai R/o Village- Chitrasenpur, P.S.- Sonpur, Distt- Saran at Chapra.
2. Guddu Kumar S/o Rambhu Rai R/o Village- Chitrasenpur, P.S.- Sonpur, Distt- Saran at Chapra.
3. Nand Kishore Rai S/o Deoraj Rai R/o Village- Chitrasenpur, P.S.- Sonpur, Distt- Saran at Chapra.
4. Rambhu Rai S/o Devoraj Rai R/o Village- Chitrasenpur, P.S.- Sonpur, Distt- Saran at Chapra.
5. Chunnu Rai @ Chandra Kishore Rai S/o Deoraj Rai R/o Village- Chitrasenpur, P.S.- Sonpur, Distt- Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Atul Shankar, Advocate  
For the Opposite Party/s : Mr.Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      29-04-2023                      At the outset, the learned counsel for the petitioners seeks not to press the present petition qua the petitioner no.1 and 4, namely, Shambhu Rai and Rambhu Rai, respectively, however, seeks liberty on behalf of them to surrender before the learned trial Court and seek the privilege of regular bail. Liberty so sought is granted.

Accordingly, the present petition stands dismissed as not pressed so far as the petitioners



no.1 and 4 are concerned.

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

This is an application for grant of anticipatory bail in connection with Sonpur P.S. Case No.690 of 2021, registered for offences under Sections 30(a), 37(b) (c) (ii), 41(i) of Bihar Prohibition and Excise Act, 2018.

The case of the prosecution, in brief, is that upon a raid having been conducted at the house of Shambhu Rai and Rambhu Rai, 219 litres of illicit liquor was recovered and subsequently, upon enquiry, it transpired that other co-accused persons including the petitioners no.2, 3 and 5 were also having complicity in the matter and accordingly, they have also been made accused in the present case.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that as far as the petitioners



no.2, 3, and 5 are concerned, no allegation has been levelled regarding recovery of any illicit liquor from them, hence, they are not having any complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case as also taking into consideration the materials available on record, this Court finds that as far as the petitioners no.2, 3 and 5, namely, Guddu Kumar, Nand Kishore Rai and Chunnu Rai @ Chandra Kishore Rai, respectively are concerned, no allegation has been levelled regarding recovery of illicit liquor from them, hence, prima facie no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, therefore the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment in the present case, thus, I deem it fit and proper to admit the petitioners no.2, 3 and 5 to the privilege of anticipatory bail.

Accordingly, the above named



petitioners no.2, 3 and 5 are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Exclusive Special Excise Court, Chapra at Saran in connection with Sonpur P.S. Case No.690 of 2021, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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