

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69191 of 2023

Arising Out of PS. Case No.-214 Year-2023 Thana- DARIYAPUR District- Saran

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1. Nikku Kumar, S/o Sudama Sahni.
 2. Santosh Ram @ Santosh Kumar, S/o Ramasan Ram,
Both are Residence of village- Jalalpur. P.S. Dariyapur, District Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rajani Kumari, Advocate
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-11-2023 1. Heard learned counsel for the petitioners and the
learned APP for the State.

2. The petitioners apprehend their arrest in
connection with Dariyapur P.S. Case No. 214 of 2023 dated
28.04.2023 registered for the offence punishable under Section
30(a) of Bihar Prohibition and Excise Act

3. The main submissions advanced by the learned
counsel for the petitioners are that admittedly, the recovery of
the alleged liquor was made from a maize field which is owned
by some other person namely, Gautam Thakur and merely on
the basis of disclosure made about the petitioners' involvement
in the alleged crime by local *Chaukidar* and some other persons,



the petitioners have been implicated in this matter while the recovery of the alleged liquor was made in the darkness and the said *Chaukidar* and others who claimed to have identified the petitioners did not disclose the source by which they became able to identify the petitioners who have got no criminal antecedent and the alleged offence of Excise Act does not even prima facie attract against the petitioners.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions, this court is inclined to accept anticipatory bail prayer of the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Dariyapur P.S. Case No. 214 of 2023 on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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