

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68964 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- NTPC KHAIRA District- Aurangabad

1. RAHUL KUMAR S/O JITENDRA RAM VILLAGE- ANKORHA, PS. N.T.P.C. KHAIRA, DIST. AURANGABAD (BIHAR)
2. AKSHAY KUMAR RAM @ AKSHAY KUMAR S/O KAMLESH RAM VILLAGE- ANKORHA, PS. N.T.P.C. KHAIRA, DIST. AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 01-11-2023 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Khaira Police Station Case No. 76 of 2023, dated 03.09.2023, disclosing offences under Section 30(a) of the of the Bihar Prohibition and Excise (Amendment) Act, 2018.
3. The prosecution case, as per the First Information Report, is that the police, upon secret information that two persons i.e. the petitioners were selling illicit liquor, arrived at the place of occurrence and upon seeing the police party, the petitioners fled away leaving a bag



containing 10 liters of country made mahua liquor, which has been seized by the police.

4. Learned counsel for the petitioners submits that the petitioner no. 1 is having no criminal antecedent and the petitioner no. 2 is having one criminal antecedent, but by mistake, in paragraph-3, it has wrongly been typed that petitioner no. 2 has no criminal antecedent. He further submits that no illicit liquor has been recovered from the conscious possession and/or premises belonging to the petitioners, but the same has been recovered from the open place beside the road.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession and/or premises belonging to the petitioners and the same has been recovered from public place which is open and accessible to all and sundry, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, Aurangabad, in connection with Khaira Police Station Case No. 76 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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