

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70522 of 2023

Arising Out of PS. Case No.-85 Year-2023 Thana- MANER District- Patna

1. Kunal Kumar S/O Narendra Kumar R/O Village- Ratan Tola, Mahinawan, P.S- Maner, Distt.- Patna.
2. Bittu Kumar S/O Narendra Kumar @ Krishna Singh R/O Village- Ratan Tola, Mahinawan, P.S- Maner, Distt.- Patna.
3. Sonu Kumar S/O Kuberan Singh R/O Village- Ratan Tola, Mahinawan, P.S- Maner, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Advocate
		Mr. Shashank Shekhar Dubey, Advocate
For the Opposite Party/s	:	Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners submitted that petitioner no. 1 has been arrested during the pendency of this case.

3. Learned counsel seeks permission to withdraw the application in so far as it relates to petitioner no. 1 namely, Kunal Kumar.

4. Accordingly, this application for anticipatory bail is dismissed as withdrawn in so far as it relates to petitioner no. 1.

5. The petitioners no. 2 and 3 apprehend arrest in



connection with Maner P.S. Case No. 85 of 2023 dated 30.01.2023, instituted for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

6. The allegation is of recovery of 10 litres of illicit liquor from the hand of Ravi Ranjan Kumar and 400 litres of soaked Java Mahua flowers near the bamboo orchard.

7. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the petitioners have been made accused only on the basis of confessional statement of one co-accused namely, Ravi Ranjan Kumar, who was apprehended at the spot. It is further submitted nothing has been recovered from the conscious possession of the petitioners. It is further submitted that the alleged recovery has been made from bamboo orchard which does not belong to these petitioners. Lastly, it has been submitted that the petitioner no. 2 has no criminal antecedents and petitioner no. 3 has two criminal cases against him.

8. Learned A.P.P. has opposed the prayer for bail of the petitioner.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest / surrender of the petitioner nos. 2 and 3 within a period of six weeks from today, in connection with Maner P.S. Case No. 85 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Danapur, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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