

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73146 of 2023

Arising Out of PS. Case No.-249 Year-2023 Thana- KALYANPUR District- Samastipur

1. RAHUL KUMAR GIRI SON OF LATE ARVIND GIRI RESIDENT OF VILLAGE - JITWARIYA, P.S. - KALYANPUR, DISTRICT - SAMASTIPUR
2. AKASH KUMAR @ KITTU GIRI SON OF LATE ARVIND GIRI RESIDENT OF VILLAGE - JITWARIYA, P.S. - KALYANPUR, DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 10-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Kalyanpur P.S. Case No. 249 of 2023 instituted under Section 30 (a), 32(3), 36, 41(1) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 952.2 litres of illicit foreign liquor was recovered from the pick up van and the motorcycle.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. He further submits that the petitioners were neither



apprehended on the spot nor any incriminating articles have been recovered from the conscious possession of the petitioners. The petitioners have no concern with the seized vehicle and other accused persons. Petitioners have no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to each to the satisfaction of the learned Exclusive/Special Judge Excise Court 1st Samastipur in connection with Kalyanpur P.S. Case No. 249 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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