

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7465 of 2024

Arising Out of PS. Case No.-338 Year-2023 Thana- KOTWA District- East Champaran

1. SIPAHI RAI S/O LATE MOHAR RAI
2. DEEPAK KUMAR S/O UPENDRA RAI
Both R/O VILLAGE- BAJHIYA KALA TOLA BELWA DIH, P.S- KOTWA
(BHOPATPUR O.P.), DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-02-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 30(a), (b)
(c) 32 and 41(i) of the Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent.

4. Allegation is of recovery of 40 litres of liquor along
with 240 litres of raw material from the bush near the canal.

5. Learned counsel for the petitioners submits that
petitioners were not arrested from the spot, as such, nothing was
recovered from their conscious possession and the alleged
recovery is from a place which is accessible to public at large



and they came to be implicated at the instance of the local Chawkidar with whom they are on an inimical term.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kotwa (Bhopatpur O.P.) P.S. Case No. 338 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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