

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17435 of 2024

Arising Out of PS. Case No.-533 Year-2023 Thana- BIRAUL District- Darbhanga

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1. Vipin Mishra @ Bipin Kumar Mishra Son of Radha Raman Mishra Resident of vill.-Kahua, P.S.-Biraul, Distt.-Darbhanga
 2. Deepak Mishra Son of Vipin Mishra @ Bipin Kumar Mishra Resident of vill.-Kahua, P.S.-Biraul, Distt.-Darbhanga
 3. Manish Mishra @ Manish Kumar Mishra Son of Vipin Mishra @ Bipin Kumar Mishra Resident of vill.-Kahua, P.S.-Biraul, Distt.-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-03-2024 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 Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioner no. 1 has antecedent of one case and petitioner nos. 2 and 3 are persons with clean antecedent and allegation is of recovery of 13.41 liters of liquor from an orchard behind the house of petitioners.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and are not the owner of the orchard. It is further submitted that the alleged recovery



was made from a place which is adjacent to the house of the petitioners as such they came to be implicated by the local people but then the name of the people who disclosed the name of the petitioners is not disclosed in the FIR which casts an aspersion on the case of the prosecution.

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

6. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Biraul P.S. Case No. 533 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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