

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20589 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- NEMDARGANJ District- Nawada

1. Kedar Ram S/o Late Bandhu Ram R/o Vill.- Parto Karhari P.S.- Nemdarganj, District- Nawada
2. Mannu Pandit @ Banaras Pandit S/o Late Patwari Pandit @ Koso Pandit R/o Vill.- Parto Karhari P.S.- Nemdarganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Ranjan, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 27-03-2024 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 Sections 30(a), 30(d) and 41 of the Bihar Prohibition and Excise Act, 2016.

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

4. Allegation is of recovery of 5 litres of liquor along with 600 litres of fermented jawa mahua from a place 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 even the alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the



instance of the Chawkidar. It is further submitted that in majority of the cases, the police are implicating the innocent persons at the instance of the Chawkidar. It is next submitted that if the Chawkidar was aware that petitioners were involved in the occurrence then whey he did not inform the police prior to the institution of the instant FIR which further casts an aspersion on the case of the prosecution.

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 Nemdarganj P.S. Case No. 21 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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