

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33665 of 2024

Arising Out of PS. Case No.-48 Year-2023 Thana- NAURANGIA District- West Champaran

1. Shyam Kumar Son of Kishori Bin Resident of Village- Naurangiya, Police Station- Naurangiya, Dist.- West Champaran
2. Sunil Kumar @ Sunil Kumar gond son of Late Ramchandra Gond Resident of Village- Naurangiya, Police Station- Naurangiya, Dist.- West Champaran
3. Sanib Kumar @ Sanib Kumar Bin Son of Dinesh Bin Resident of Village- Naurangiya, Police Station- Naurangiya, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prerna Anand

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Naurangiya P.S. Case No. 48 of 2023 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, informant alongwith police team proceeded on patrolling duty. It is alleged that two persons from naurangiya side started fleeing away after seeing the police party, leaving two motorcycles at the place of occurrence. It is further alleged that 17.625 litre illicit liquor was recovered from Passion Pro motorcycle and 32.625 litre foreign liquor was recovered from



Platina motorcycle in question.

4. Learned counsel for the petitioner submits that petitioners are not named in the FIR and their names have been transpired in the present case on the basis of statement of spy recorded on 16.07.2023 which is after seven days of alleged occurrence. It has been further submitted that names of the petitioners have been belatedly added during the course of the investigation casts serious doubt upon the story of prosecution. He further submits that petitioners have been made accused in the present case on the basis of concocted story at the instance of their enemies. Learned counsel further submits that petitioners are innocent and have committed no offence as alleged in the FIR. Petitioner Nos. 1 and 2 bear no criminal antecedent whereas petitioner no. 3 bears criminal antecedent of one case in which he is on bail and the said case is not similar to the present case.

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

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the



satisfaction of learned Special Judge Excise, Bagaha, West Champaran in connection with Naurangiya P.S. Case No. 48 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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