

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32628 of 2024

Arising Out of PS. Case No.-860 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. Awdhesh Rai Son Of Late Devsharan Rai Resident Of Village - Methwaliya,
P.S. - Muffasil, District - Saran
2. Brajesh Rai Son Of Late Devsharan Rai Resident Of Village - Methwaliya,
P.S. - Muffasil, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Mishra, Advocate Mr. Sanjeet Kumar Singh, Advocate
For the Opposite Party/s	:	Ms. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-05-2024 Heard Ld. counsel for the petitioners and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Muffasil P.S. Case No. 860 of 2023, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation altogether 20 litres of illicit liquor was recovered in a plastic bag kept beside the house of the Petitioner.

4. Ld. counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this



case. He further submits that no illegal liquor has been recovered from the possession of the Petitioners. He also submits that the case has been filed without any legal basis. Hence, no case under Excise Act is made out against the Petitioners.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioners have no criminal antecedents.

7. Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Ist Exclusive Special Excise Court, Saran at Chapra, in connection with Muffasil P.S. Case No. 860 of 2023, subject to the conditions as laid down under Section 438 (2)



Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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