

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44745 of 2024

Arising Out of PS. Case No.-293 Year-2024 Thana- SONEPUR District- Saran

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1. Kundan Kumar @ Kundal Ray S/O- Balak Ray R/O-Village-Sabalpur Chaharan Ward No. 11, P.S.-SONEPUR, District-Saran at Chapera
 2. Subhash Kumar @ Subhash Ray Son Of Bacha Ray R/O-Village-Sabalpur Chaharan Ward No. 11, P.S.-SONEPUR, District-Saran at Chapera

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Sonepur P.S. Case No. 293 of 2024, registered for the alleged offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, police received secret information about petitioner-Kundan Rai keeping a large quantity of foreign liquor in a pit on the western side of his house. A raid was conducted and recovery of 42.05 liters of beer was made from the spot. The police came to know that the illicit liquor belongs to the petitioners.



04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioners. The recovery has been shown from an abandoned place behind the house of the petitioner-Kundan Rai from a ditch and the petitioners have no concern with the place of recovery of liquor. The petitioner no. 1 is having clean antecedent whereas petitioner no. 2 has criminal antecedent of three cases of similar nature and he is on bail in all those cases.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioners and further considering the lack of material to connect the petitioners with the offence as alleged and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like



amount each to the satisfaction of learned Court of 2nd Exclusive Special Excise Judge, Saran at Chapra/court concerned in connection with Sonepur P.S. Case No. 293 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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