

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40785 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- DIGHWARA District- Saran

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1. Bhushan Khalifa @Bhushan Kumar, S/O Late Devendra Khalifa, R/O Village Saidpur P.S. Dighwara, Distt-Saran at Chapra
 2. Supan Khalifa, S/O late Devendra Khalifa, R/O Village Saidpur P.S. Dighwara, Distt-Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Dighwara P.S. Case No. 67 of 2024, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, police received secret information about petitioners selling country made liquor in the back of the house of petitioner no.2. A raid was conducted and two persons started fleeing away throwing one sack each. The nearby people disclosed the name of the petitioners who escaped from the spot. On search of both the sacks, 40 litres of country made liquor was recovered.



4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners were not apprehended from the spot and nothing incriminating has been recovered from the person or possession of the petitioners. Recovery has been shown from an open place behind the house of the petitioners but the petitioners are labourers and they have nothing to do with the seized liquor. Petitioner no.1 is having clean antecedent whereas petitioner no. 2 is having criminal antecedent of one case but he is on bail in that case.

5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioner no.2 is having criminal antecedent of similar nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioners and also 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 bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned 1st Special



Judge Excise Saran at Chapra/concerned court in connection with Dighwara P.S. Case No. 67 of 2024, subject to the conditions as 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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