

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44811 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- Mohanpur District- Purnia

1. Nandu Singh @ Nand Lal Singh, Son Of Dinesh Singh, Resident Of Village - Anjhari, P.S. - Rupauli, District - Purnea
2. Kishor Singh, Son Of Haldhar Singh, Resident Of Village - Anjhari Naugachia, P.S. - Rupauli, District - Purnea
3. Indradev Singh, Son Of Chalittar Singh, Resident Of Village - Anjhari, P.S. - Rupauli, District - Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-07-2024 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 Mohanpur P.S. Case No. 09 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 manufacturing illicit liquor at some identified place. Police conducted a raid and found two furnaces running there in which country made liquor was being prepared. Three persons fled away on seeing the police party



and the petitioners were named by the local *Chowkidar* as the persons who fled away from the spot. From the spot recovery of 90 litres of country made *chulai* liquor was made apart from recovery of gas cylinder and other implements used to manufacture illicit liquor.

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 made from an open place. The petitioners have been named in this case merely on suspicion. No offence is made out against the petitioners in the given facts. Petitioner no.1 is having clean antecedent whereas petitioner no. 2 is having criminal antecedent of one case and petitioner no.3 is having criminal antecedent of three cases but they are on bail in all the cases.

5. Learned APP opposes the prayer for anticipatory bail.

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



further considering the lack of material to connect the petitioners with the offence as alleged 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 Exclusive Special Judge Excise, Court No.-2, Purnea/concerned court in connection with Mohanpur P.S. Case No. 09 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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