

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42238 of 2024

Arising Out of PS. Case No.-517 Year-2023 Thana- GURUA District- Gaya

1. KARU MALLAH @ SHIV MALAH SON OF MASUDHAN MALLAH @ RAGHUNANDAN MALLAH VILLAGE- BAIJU BIGHA, MALLAH TOLI, P.S.- GURARU, DISTRICT- GAYA
2. DILIP MALLAH SON OF SATAN MALLAH VILLAGE- BAIJU BIGHA, MALLAH TOLI, P.S.- GURARU, DISTRICT- GAYA
3. MASUDHAN MALLAH @ RAGHUNANDAN MALLAH SON OF MAHAVIR MALLAH VILLAGE- BAIJU BIGHA, MALLAH TOLI, P.S.- GURARU, DISTRICT- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Aryan Singh, Advocate
For the State	:	Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-09-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Amendment Act.

3. As per prosecution case, 9 litres country made liquor has been recovered from houses of Petitioner Nos. 1 and 2 each and 10 litres country made liquor has been recovered from house of Petitioner No. 3.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are innocent and have



falsely been implicated in this case merely on suspicion. As a matter of fact, petitioners are in joint possession of their houses and nothing has been recovered from conscious possession of these petitioners. Petitioner No. 1 has got no criminal antecedents and Petitioner Nos. 2 and 3 have got one criminal antecedent each of similar nature in which they are already on bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the aforesaid facts and circumstances, small quantity of liquor that has been recovered and nature of accusation, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Court No. V, Gaya, in connection with Gurua P.S. Case No. 517 of 2023, subject to condition as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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