

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42936 of 2024

Arising Out of PS. Case No.-264 Year-2023 Thana- AMBA District- Aurangabad

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1. Naresh Gupta Son Of Kanhai Saw Village- Ekdara, P.S.- Tandwa, Distt.- Aurangabad (BIHAR)
 2. Kamlesh Kumar Son Of Ramnandan Prasad Village- Harihar Urdana, Kala Pahad Tendua, P.S.- Kutumba, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-07-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Amba P.S. Case no. 264 of 2023 registered under section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on checking being conducted three accused persons were caught and 750 ml of liquor was recovered from the vehicle of which the petitioners are said to be registered owners.

4. Learned counsel for the petitioners submits that no incriminating article has been recovered from their possession nor from their vehicle in question. They have been falsely implicated in the case. It is further submitted that no offence under the Bihar Prohibition and Excise Act, 2016 is made out



against these petitioners and as such the learned trial Court committed an error in rejecting their application for anticipatory bail as not being maintainable. The petitioners have no criminal antecedent.

5. The application is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the F.I.R., the submissions made by learned counsel for the petitioners and the petitioners not having any criminal antecedent under the Bihar Prohibition and Excise Act, 2016, it is directed that both the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Amba P.S. Case no. 264 of 2023 on each furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Court no. 1, Aurangabad.

(Partha Sarthy, J)

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