

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46877 of 2024**

Arising Out of PS. Case No.-47 Year-2024 Thana- DORIGANJ District- Saran

1. Mantu Rai Son of Inar Rai Resident of Vill- Parvi Balua, Kansdiyar, P.S.- Doriganj, District- Saran At Chapra.
2. Bajrangi Rai Son of Chandrika Rai Resident of Vill- Parvi Balua, Kansdiyar, P.S.- Doriganj, District- Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Parmanand Prasad

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

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

2. The petitioners are apprehending their arrest  
in connection with Doriganj P.S. Case No. .47 of 2024  
registered for the offences punishable under Sections 30(a)  
of the Bihar Prohibition and Excise Act on 05.03.2024.

3. As per prosecution case, 100 litres illicit  
wine was recovered from the back portion of the Panchayat  
Bhawan and the petitioners were alleged to have escaped  
from the place of occurrence which was told by the  
villagers.



4. Learned counsel for the petitioners submits that nothing is recovered from conscious possession of the petitioners. The place of recovery is an open field which is accessible to all and petitioners cannot be liable for the alleged recovery. Petitioner No. 01 bears no criminal antecedent and petitioner no. 02 bears criminal antecedents of two cases in which he is already on bail. Learned counsel further submits that in the F.I.R., it has been mentioned that the name of the petitioners have been surfaced in this case on the basis of confidential information but the source of information has not been disclosed in the F.I.R. Hence, the authenticity of the F.I.R. is doubtful.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten



thousand) with two sureties of the like amount each to the satisfaction of learned 3<sup>rd</sup> Exclusive Special Excise Judge, Saran at Chapra in connection with Doriganj P.S. Case No. 47 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

**(Alok Kumar Pandey, J)**

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