

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51896 of 2024

Arising Out of PS. Case No.-18 Year-2021 Thana- Excise P.S. District- Madhepura

1. Manish Kumar, aged about 21 years, Male, S/o Kishore Sah, R/o vill - Jiwachhpur, Ward No. 07, P.S. - Madhepura, (Bharrahi O.P.) Distt – Mahdepura.
2. Guddu Kumar, aged about 30 years, Male, S/o Kishore Sah, R/o vill - Jiwachhpur, Ward No. 07, P.S. - Madhepura, (Bharrahi O.P.) Distt – Mahdepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Uday Chand Prasad, Advocate
For the Opposite Party : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Excise Case No. 985 of 2021, arising out of Madhepura Excise P.S. Case No. 18 of 2021 dated 25.11.2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 120 litres of illicit country made liquor and 1000 litres of jaggery solution were recovered from the bamboo clump.

4. Learned counsel for the petitioners has submitted



that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the alleged illicit liquor was recovered from the possession of the petitioners rather the same has been planted by the enemy of the petitioners from the bamboo clump. The petitioners were not present at the place of occurrence at the time of occurrence. The bamboo clump from which the alleged recovery of liquor was made does not belong to the petitioners. The petitioners have one criminal antecedent in which they are on bail as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-7th-cum-Special Judge -2nd, Madhepura, in connection with Excise Case No. 985 of 2021, arising out of Madhepura Excise P.S. Case No. 18 of 2021, subject to the condition as laid down under Section 438(2)



of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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