

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53071 of 2024

Arising Out of PS. Case No.-516 Year-2023 Thana- HARSIDHI District- East Champaran

1. Sharawan Ram S/o Late Shankar Ram R/o vill - Jailmurarpur, P.s. - Harsidhi, Distt. - East Champaran
2. Anil Mahato S/o Late Nandlal Mahato R/o vill - Jailmurarpur, P.S. - Harsidhi, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

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

2. The petitioners apprehend arrest in Harsidhi P.S. Case No. 516 of 2023, registered under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 100 liters liquor was recovered from five plastic sacks from the field.

4. Learned counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in the



present case. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners have got no knowledge and concern with the alleged recovery of liquor. Learned counsel for the petitioners also submits that the alleged recovery has been made from an open place which is easily accessible to everyone. The petitioners are not named in the FIR. Name of the petitioners have transpired on the basis disclosure made by local chowkidar. The petitioners have got one criminal antecedent in which they are on bail. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 25.06.2024 passed in Cr. Misc. No. 43864 of 2024. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Harsidhi P.S. Case



No. 516 of 2023, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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