

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54900 of 2024

Arising Out of PS. Case No.-207 Year-2024 Thana- PARSA District- Saran

1. Ganesh Nut, son of Late Surendra Nut,
2. Guddu Nut, son of Late Tikan Nut
Both are residents of village- Saguni, P.S- Parsa, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar, Advocate
For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Parsa P.S. Case No. 207 of 2024 for the offence under Sections 272, 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, on getting secret information about the petitioners storing and selling illicit liquor behind the house of the petitioner no.2 Guddu Nut, a raid was conducted and two persons fled away from the spot and recovery of 60 liters of country made *Chulai* liquor was made from the open field behind the house of the petitioner no.2



Guddu Nut.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No recovery has been made from the conscious possession of the petitioners and the recovery shown has been made from an open field as is apparent from the seizure list. In the facts and circumstances of the case, no offence under the provisions of Excise Act has been made out against the petitioners. The petitioners have no concern either with the seized liquor or the place from where recovery has been made. The petitioners are having criminal antecedent of one case each.

5. The learned A.P.P. opposes the submission made on behalf of the petitioners.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioners and the recovery has been shown from an open field and further considering the possibility of false implication, let the petitioners above named in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand



Only) each with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Judge, Saran at Chapra, in connection with Parsa P.S. Case No. 207 of 2024, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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