

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54023 of 2024

Arising Out of PS. Case No.-133 Year-2024 Thana- SIDHWALIYA District- Gopalganj

1. PAPPU PRASAD SON OF GANDHI PRASAD RESIDENT OF VILLAGE - SADAUWA, P.S. - SIDHWALIYA, DISTRICT - GOPALGANJ, BIHAR
2. OMPRAKASH PRASAD SON OF PAPPU PRASAD RESIDENT OF VILLAGE - SADAUWA, P.S. - SIDHWALIYA, DISTRICT - GOPALGANJ, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Indrajeet Bhushan
For the Opposite Party/s	:	Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-08-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Sidhwaliya P.S. Case No. 133 of 2024 dated 09.05.2024 registered under Sections 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Prosecution story in nutshell is that Police during the course of day patrolling got secret information that petitioners are bringing country made “Chulai” liquor from “Diyara” region and conducted checking of the vehicles and near the brick kiln of Bageshwar Singh the Police intercepted a motorcycle, however, the two persons riding on the motorcycle fled away from the scene of occurrence throwing a plastic sack kept



in between them. Upon search of the plastic sack altogether 25 liters of country made “Chulai” liquor was recovered.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case by the Police with oblique motive. The name of the petitioners transpired in this case on the basis of disclosure made by the villagers and the local Chowkidar who are on inimical terms with the petitioners. He further submits that neither the petitioners were present at the alleged place of occurrence nor the alleged recovered liquor belongs to them. He also submits that liquor in question has been recovered beside the road near the brick kiln of Bageshwar Singh, which is an open place accessible to all and sundry. The petitioners have got no criminal antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioners and / or vehicle belonging to the petitioners and the petitioners have got no criminal antecedents, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail



bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-XIII-cum- Special Excise Court No. -I, Gopalganj / court concerned in connection with Sidhwaliya P.S. Case No. 133 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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