

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.58853 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- CHACKMEHSI District- Samastipur

1. Ravi Raushan @ Sonu @ Ravi Raushan Kumar Son of Chandeshwar Manto R/O Vill.- Somnaha Chaksima, Ward no. 2, P.S.- Chakmaheshi, Dist.- Samastipur.
2. Surendra Kumar @ Surendra Mahto Son of Uday Mahto R/O Vill.- Somnaha Chaksima, Ward no. 2, P.S.- Chakmaheshi, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 11-09-2024 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Chackmehsi Police Station Case No. 86 of 2024, dated 12.06.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioners are selling illicit liquor in the Mahogani orchard, reached at the place of occurrence and on seeing the police, 5-6 persons succeeded in fleeing away from the Mahogani



orchard. The Police, on search of the orchard, recovered 36 litres of illicit liquor kept in the plastic sack under the bushes. The local persons disclosed the names of the petitioners and others, who succeeded in fleeing away.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on the basis of disclosure of their names by the local villagers. He further submits that the illicit liquor has been recovered from the Mahogani orchard, which is an open space and is accessible to all and sundry.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the illicit liquor has been recovered from an open space and the name of the petitioners has been disclosed by the local villagers, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive



Excise Court No. 1, Samastipur, in connection with Chackmehsi Police Station Case No. 86 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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