

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60498 of 2024

Arising Out of PS. Case No.-96 Year-2022 Thana- SHERGHATI District- Gaya

1. Vikash Singh @ Vikku Singh @ Ajay Kumar Son of Late Taichan Singh @ Subodh Singh R/V-Mohalla- Hatiya, Police station- Sherghati, District- Gaya
2. Chhotu Singh @ Suraj Kumar Son of Late Taichan Singh @ Subodh Singh R/V-Mohalla- Hatiya, Police station- Sherghati, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 17-12-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Sherghati P.S. Case No. 96 of 2022 dated 27.01.2022 instituted for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. The allegation is of recovery of 61.700 litres liquor, 50 litres *mahua* liquor and 40 kg *mahua* flowers from the flour mill of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the said flour mill belongs to the petitioners. The petitioners had no knowledge about the



recovered liquor kept in their flour mill. The said flour mill was not in working condition. The petitioners have no concern with the seized Honda motorcycle and Bolero vehicle. Lastly, it has been submitted that petitioners have not criminal antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners stating that the alleged liquor and *mahua* flowers have been recovered from the flour mill of the petitioners.

6. Since the recovery has been made from the flour mill and the petitioners are the owner of the said flour, I am not inclined to grant Anticipatory Bail to the petitioners.

7. Accordingly, the prayer of the petitioners for grant of for anticipatory bail is rejected.

8. However, if the petitioners surrender before the learned court below within six weeks from today and pray for regular bail, the same shall be considered and disposed of preferably, on the same day, on its own merit without being prejudiced by this order.

9. Application stands dismissed.

(Khatim Reza, J)

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