

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61191 of 2024**

Arising Out of PS. Case No.-297 Year-2019 Thana- HUSSAINGANJ District- Siwan

1. Ajay Kumar @ Ajay Prasad S/O Deepak Patel @ Deepak Prasad Resident of Village- Badram, P.S- Hussanjganj, Distt.- Siwan.
2. Neeraj Kumar @ Neeraj Prasad S/O Manan Prasad Resident of Village- Badram, P.S- Hussanjganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, Advocate

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      04-10-2024      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Hussanganj P.S. Case No. 297 of 2019 registered for the offences punishable under Sections 30(a)/38(1)/41(1) of Bihar Prohibition and Excise Act.

3. As per prosecution case, 95.040 litre illicit liquor was recovered from the bush near the *nala*. Local people disclosed the name of the petitioners and others who succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as



alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent. He further submits that place of recovery is an open place which is accessible to all and petitioners cannot be liable for the alleged recovery. Petitioners are not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioners. Co-accused Uma Shankar Pandit and Dharmendra Yadav, Pappu Kumar Yadav have already been granted anticipatory bail by the Co-ordinate Bench of this Court vide Cr. Misc. Nos. 85645 of 2019 and 3157 of 2020 and 84173 of 2019 respectively and the case of the present petitioners stands on similar footing. Hence, they also deserve anticipatory bail. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, co-accused have already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners



above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail 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 Exclusive Special Judge Excise Ist, Siwan in connection with Hussanganj P.S. Case No. 297 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

**(Alok Kumar Pandey, J)**

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