

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66892 of 2024

Arising Out of PS. Case No.-282 Year-2024 Thana- RAMKRISHNANAGAR District- Patna

1. Mahboob Alam, Son of Md. Hanif, Resident of Village- Faijan Nagar Khirgaon, Police Station- Sadar, District- Hajaribagh, State Jharkhand, 825301
2. Suresh Pandit, Son of Late Budhan Pandit, Resident of Village- Madangundi, New Petrol Pump, Police Station- Chandbara, District -Kodarma (Jharkhand), PIN-825409

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K., Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Ramkrishna Nagar P.S. Case No.282 of 2024 instituted under Sections 30(a), 32(2), 32(3) & 41(1) of the Bihar Prohibition & Excise Act.

3. As per prosecution case, total 87.75 litres of India made foreign liquor has been recovered from a bus bearing Registration No. BR 01 PC-2642.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that petitioner no. 1 is a contractor and



petitioner no.2 is a driver of the alleged bus and thus they have been dragged in this case only on the basis of suspicion. He also submits that the seizure-list has not been prepared at the place of occurrence and there is also no independent witness of the seizure-list. It is submitted that similarly situated co-accused persons, namely, Raju Kumar Gupta and Jitendra Singh have already been enlarged on anticipatory bail by this Court *vide* orders dated 03.07.2024 & 12.07.2024 passed in Cr. Misc. No. 41077 of 2024 & Cr. Misc. No. 50230 of 2024, respectively. It is next submitted that the petitioners have no criminal antecedent and they undertake to co-operate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.-02, Patna / Concerned Trial Court in connection with Ramkrishna Nagar



P.S. Case No.282 of 2024, subject to the conditions laid down in
Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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