

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67445 of 2023

Arising Out of PS. Case No.-190 Year-2023 Thana- AWTARNAGAR District- Saran

1. Amawas Kumar S/O Bajrangi Ray Village- Kans Diyara, Balua East , Ps. Doriganj, Dist. Saran.
2. Vijendra Rai @ Bijendra Kumar S/O Inar Ray Village- Kans Diyara, Balua East , Ps. Doriganj, Dist. Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Awatarnagar P.S. Case No. 190 of 2023, registered on 23.06.2023, for the alleged offence under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, two persons fled away on a motorcycle leaving behind a jute bag containing 60 liters of illicit country made liquor. On enquiry, the police came to know about the petitioners who fled away from the spot on motorcycle.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Except for suspicion, there is nothing against the petitioners



as the police is said to have identified the petitioners on the basis of secret information. The petitioners have no concern with the seized liquor and the said recovery was made from National Highway. No offence under Section 30(a) of the Excise Act is made out against the petitioners. Learned counsel further submits that the petitioner no. 1 has got no criminal antecedent whereas petitioner no.2 is accused in three other cases of similar nature, but he is on bail in all such cases.

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

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that recovery has been shown from the road side and further considering the absence of material against the petitioner and also considering the possibility of false implication, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Saran/concerned court in connection with Awatarnagar P.S. Case No. 190 of 2023, subject to the condition laid down under Section 438(2) of the Code of



Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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