

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70294 of 2024

Arising Out of PS. Case No.-85 Year-2024 Thana- UJIYARPUR District- Samastipur

1. Bablu Kumar @ Bablu Sahni @ Bablu Sahani Son of Ramsagar Sahani Resident of Village - Chandauli , Police Station - Ujiyarpur , District - Samastipur
2. Debu Sahni @ Dabu Sahani Son of Devendra Sahani Resident of Village - Chandauli , Police Station - Ujiyarpur , District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Ujiyarpur P.S. Case No. 85 of 2024 registered for the offences punishable under Sections 30(a), 41(i)(ii) of the Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, the police has recovered total 459.00 liter illicit foreign liquor from two cars.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. He further submits that nothing incriminating has



been recovered from the conscious possession of the petitioners. The petitioner no.1 has one criminal antecedent whereas the petitioner no.2 has got no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The names of the petitioners have come in this case on the basis of the confessional statement of co-accused Raja Paswan. The petitioners are neither the owner nor driver of the vehicles, in question. Even they were not seated in any of the cars from which the alleged liquor has been recovered. The petitioners have no concern with the alleged seized liquor or the vehicles, in question. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Randheer Kumar @ Randhir Kumar has been granted regular bail by this Court vide order dated 25.06.2024 passed in Cr. Misc. No. 43856 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the



learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ujiyarpur P.S. Case No. 85 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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