

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68289 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- BHAIKAVSHTHAN District- Madhubani

1.

Sudhir Kamti S/o- Charitra Kamti R/o - Lohna, Ward No.08, P.S - Bhairavasthan, District - Madhubani
2.

Lalit Kamti @ Lalit Kumar Kamti Son of Bhutai Kamti @ Rajendra Kamti R/o - Lohna, Ward No.08, P.S - Bhairavasthan, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bhairavasthan P.S. Case No. 57 of 2024 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 44.640 litres of illicit liquor has been recovered from orchard.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioners. It is further submitted that the name of the petitioners transpired in this case only on the basis



of disclosure made by local people. Learned counsel further submitted that the alleged recovery has been made from open field, accessible to local people. Petitioners have no knowledge and concern with the alleged recovery of liquor. The petitioner no.1 has no criminal antecedent whereas petitioner no.2 has only two criminal antecedent of similar nature of offence. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of arrest/surrender before the lower court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhairavasthan P.S. Case No. 57 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Alok Verma/-

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