

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72745 of 2023

Arising Out of PS. Case No.-1076 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

NAND LAL RAI son of Raghunath Rai Village- Patiyasa Ps- Ahiyapur Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 72748 of 2023

Arising Out of PS. Case No.-1076 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

NANDU RAI @ NANDU KUMAR RAI son of Raghunath Rai Village- Patiyasa Ps- Ahiyapur Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 72745 of 2023)
For the Petitioner/s : Ms.Nitu Kumari
For the Opposite Party/s : Mr.Md. Mushtaque Alam
(In CRIMINAL MISCELLANEOUS No. 72748 of 2023)
For the Petitioner/s : Ms.Nitu Kumari
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 421-03-2024
1.

Since both these anticipatory bail applications arise out of the same First Information Report, with the consent of the parties, both these applications have been heard together and are being disposed by this common order.
2.

Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.



3. These applications, for grant of anticipatory bail, arise out of Ahiyapur Police Station Case No. 1076 of 2023, dated 29.08.2023, disclosing offences punishable under Sections 420/467/468/471/120-B of the Indian Penal Code and Sections 30 (a) (b)/32 (ii) (iii)/38/41 (I) (ii) of the Bihar Prohibition and Excise Act, 2016.
4. The prosecution case, as per the First Information Report, is that the police, on the basis of secret information that one truck, having registration number of Haryana, is parked behind the Siddhi Vinayak Hospital, and some persons are unloading illicit liquor from the said truck, reached at the place of occurrence and upon seeing the police, 5-6 persons started fleeing away but the police apprehended two of them, who disclosed their names as Vikash Kumar and Vikram Kumar. The police searched the truck and recovered 3077.64 litres of illicit liquor and the police also recovered 09 litres of illicit liquor from the bag kept on a motorcycle, which was parked near the truck. The name of the petitioners transpired on the basis of disclosure of their names by the arrested co-accused, Vikash kumar, as the persons who succeeded in fleeing away from the place of occurrence.



5. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case by the police with ulterior motive. He further submits that the petitioners are neither the owner/driver of the truck, in question, nor the seized motorcycle belongs to them. He further submits that no illicit liquor has been recovered from the conscious possession and/or vehicle/premises belonging to the petitioners. He further submits that similarly situated co-accused person, namely, Pawan Rai, has been granted anticipatory bail by a co-ordinate Bench of this Court, vide order, dated 09.01.2024, passed in Criminal Misc. No. 80299 of 2023.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioners are neither the owner/driver of the seized truck or the seized truck belong to them, no illicit liquor has been recovered from the conscious possession of the petitioners and similarly situated co-accused person, namely, Pawan Rai, has been granted anticipatory bail by this Court, I am inclined to grant the petitioners privilege of anticipatory bail.
7. These applications are, accordingly, allowed.



8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, Muzaffarpur, in connection with Ahiyapur Police Station Case No. 1076 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.
9. This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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