

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73809 of 2024

Arising Out of PS. Case No.-181 Year-2024 Thana- PARANDABAR District- Nawada

1. Karu Singh, (Male), aged about 53 years, Son of Jhaman Singh, R/o Village- Lawni, P.S.- Parnadabar, Dist.- Nawada.
2. Rajendra Singh, (Male), aged about 48 years, Son of Sanichar Singh, R/o Village- Lawni, P.S.- Parnadabar, Dist.- Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Birendra Kumar, Advocate
For the Opposite Party : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Parnadabar P.S. Case No. 181 of 2024 dated 30.07.2024 registered for the offences punishable under Sections 30(a) (c) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 1600 litres of Mahua illicit liquor, sweet solution and several equipments for preparation of illicit liquor were recovered from the joint bhatti situated in village-Lavni Jungle of Prakash Singh and Karu Singh (petitioner no. 1) and 1700 litres of Mahua illicit liquor,



sweet solution and several equipments for preparation of illicit liquor were recovered from the joint bhatti situated in Lavni Jungle of Kuldeep Singh and Rajendra Singh (petitioner no. 2). It is further alleged that the police also recovered 185 litres of country made illicit liquor from the forest situated at the distance of 100 meter from the joint bhatti of Prakash Singh and Karu Singh (petitioner No. 1).

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in the present case. The petitioners were not arrested on the spot. It is further submitted that three places from where total 3485 litres of illicit liquor recovered were situated in forest area which are 300 meters far away from Lavni Village and are open places and the same does not belong to the petitioners. They have no concern with the alleged offence. The name of the petitioners has come in the present case on the basis of secret information but the name of the person who has disclosed the name of the petitioners has not been disclosed in the F.I.R. There is no compliance of Section 100 of the Cr.P.C. The petitioner no. 1 has one criminal antecedent and the petitioner no. 2 has clean antecedent as stated in paragraph no. 3 of the bail application.



5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-Ist, Nawada, in connection with Parnadabar P.S. Case No. 181 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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