

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74381 of 2024

Arising Out of PS. Case No.-733 Year-2024 Thana- MAHUA District- Vaishali

Vikash Kumar S/o Bindeshwar Rai Resident of Village- Fulwariya, PS- Mahua, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 75646 of 2024

Arising Out of PS. Case No.-733 Year-2024 Thana- MAHUA District- Vaishali

Ramsurat Singh @ Ramsurat Kumar S/O Ramishwar Singh Resident of Village - Karhaniya, P.S - Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 74381 of 2024)
For the Petitioner/s : Mr. Santosh Kumar
For the Opposite Party/s : Mr. Asha Devi
(In CRIMINAL MISCELLANEOUS No. 75646 of 2024)
For the Petitioner/s : Mr. Santosh Kumar
For the Opposite Party/s : Mr. Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 213-11-2024
1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This applications, for grant of anticipatory bail, arises out of Mahua P.S. Case No. 733/2024 registered under Sections 30(a) of the Bihar Prohibition & Excise Amendment Act, 2018.



3. The prosecution case, as per the First Information Report, is that on 08.08.2024, the police got secrete information that the petitioners have brought the illicit liquor through a bus and the same has been kept in the mango orchard. On this information, the police proceeded towards the place of occurrence and recovered 93.750 liters of illicit liquor and beer from the mango orchard.
4. Learned counsel for the petitioners submits that the petitioners have been made accused on the basis of secrete information only and illicit liquor has not been recovered from their conscious possession and/or premises belonging to the petitioners. As per the seizure list, illicit liquor has been recovered from the mango orchard and the name of the petitioners are not mentioned in the column of the seizure list, from whom the illicit liquor has been recovered/seized.
5. Having regard to the submissions made by the parties taking into consideration the fact that illicit liquor has been recovered from mango orchard, which is open place accessible to all and sundry and the name of the petitioners are not mentioned in the seizure list, I am inclined to grant the petitioners privilege of anticipatory



bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court 2nd ,Vaishali at Hajipur, in connection with Mahua P.S. Case No. 733/2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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