

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75626 of 2023

Arising Out of PS. Case No.-390 Year-2023 Thana- MADHAURAH District- Saran

1. RAJAN KUMAR SINGH @ RAJAN SINGH Son of Vidha Singh @ Bidya Singh R/o vill - Awareee, P.S. - Madhourah, Distt. - Saran at Chapra (Bihar)
2. Vikash Kumar Singh @ Vicky Singh Son of Parma Singh R/o vill - Awareee, P.S. - Madhourah, Distt. - Saran at Chapra (Bihar)
3. Ritesh Kumar Singh Son of Jai Ram Singh R/o vill - Mehia Mala, P.S. - Chapra Muffasil, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 05-03-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Madhourah PS case no. 390 of 2023, disclosing offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.
3. The prosecution story, as per the First Information report, is that 624.420 liters of illicit liquor has been recovered from a room, which was under the custody of petitioner no. 1.
4. Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have been made accused in this case due to political rivalry, inasmuch as the mother of petitioner no. 1 is



Ward Member. He further submits that from perusal of seizure list, it appears that illicit liquor has not been recovered from the premises under the custody of petitioner no.1. He also submits that petitioner no. 1 is accused in 05 cases and petitioner no. 2 is accused in 03 cases but both of them are on bail in all the cases, however, petitioner no. 3 is having no criminal antecedent.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the allegation made in the F.I.R. and seizure list, from where, it appears that illicit liquor has been recovered from a room under the custody and possession of petitioner no. 1, I am not inclined to grant the privilege of anticipatory bail to petitioner no. 1. Accordingly, the present petition *qua* petitioner no. 1 is rejected, inasmuch as the same is not maintainable.

6. Insofar as petitioners no. 2 and 3 are concerned, illicit liquor has not been recovered from their conscious possession or premises belonging to them, as such, I am inclined to grant anticipatory bail to them.

7. Let petitioners no. 2 and 3, abovenamed, 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) each with two sureties of the like



amount each to the satisfaction of learned 2nd Exclusive Special
Excise Judge, Saran at Chapra in connection with Madhourah
PS case no. 390 of 2023, subject to the condition laid down
under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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