

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78759 of 2024**

Arising Out of PS. Case No.-425 Year-2024 Thana- NAANPUR District- Sitamarhi

Sunil Kumar Rai @ Sunil Rai S/O Sitaram Rai Resident of Village- Bathaul,
P.S.- Bokhara, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand
For the Opposite Party/s : Mr.Brajendra Nath Pandey

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

- 2 04-12-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Nanpur Police Station Case No. 425 of 2024, dated 30.08.2024, disclosing offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information report, is that 37 liters of illicit country-made liquor has been recovered from a mango orchard, situated behind the house of one Pawan Kumar.
4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. He further submits that illicit liquor has been recovered from



the mango orchard, which is an open space accessible to all and sundry. He next submits that illicit liquor has not been recovered from the premises belonging to the petitioner and he has no concern with the place, from where illicit liquor has been recovered. He further submits that similarly situated co-accused person, namely, Sanjay Kumar Rai, has been granted anticipatory bail by this Court, vide order, dated 03.12.2024, passed in Criminal Misc. No. 78227 of 2024.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that illicit liquor has been recovered from an open space, accessible to all and similarly situated co-accused has been granted anticipatory bail by this Court, I am inclined to grant the privilege of anticipatory bail to the petitioner.
6. This application is, accordingly, allowed.
7. Let petitioner, above named, in the event of his arrest or surrender before the Court below within six 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 Special Judge, Exclusive Excise Court-II, Sitamarhi in connection with Nanpur



Police Station Case No. 425 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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