

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78519 of 2024

Arising Out of PS. Case No.-1636 Year-2024 Thana- Excise P.S. District- Muzaffarpur

1. Satish Kumar, S/O Umesh Chaudhary, R/O Village- Majhaulia, P.S- Ahiyapur, Distt- Muzaffarpur.
2. Manish Kumar, S/O Umesh Chaudhary, R/O Village- Majhaulia, P.S- Ahiyapur, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioners and Mr. Mritunjay Kumar Nirala, learned APP for the State.

2.The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Excise P.S. Case No.1636 of 2024 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. The case of the prosecution is that altogether 116.25 liters of foreign liquor was recovered behind the poultry farm in a bush. It is alleged that the poultry farm belongs to the petitioners.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this



case. They have no concern with the alleged liquor. It is further submitted that the seizure has been made from an open place. Nothing has been recovered from the possession of these petitioners. Petitioner no.1 is having clean antecedent whereas petitioner no.2 is having one criminal antecedent in which he is on bail.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioners.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Excise P.S. Case No. 1636 of 2024, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. II, Muzaffarpur, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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