

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91 of 2024

Arising Out of PS. Case No.-260 Year-2023 Thana- BAKHTIYARPUR District- Patna

1. Seth Rai @ Setha Rai Son Of Raj Ballabh Rai R/O Nayatola, Raghapur Ward No. 27, P.S.- Bakhtiyarpur, Dist.- Patna
2. Tuntun Rai @ Tuntun Kumar Son Of Hare Kishun Rai R/O Nayatola, Raghapur Ward No. 27, P.S.- Bakhtiyarpur, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-01-2024 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Bakhtiyarpur Police Station Case No. 260 of 2023, disclosing offences under Section 30(a) of the Bihar Prohibition & Excise Act.

3. The prosecution case, as per the First Information Report, is that the police on the basis of secret information raided the place of occurrence and upon seeing the police party the accused persons started fleeing away. However, two persons were arrested and 815 liters illicit liquor has been recovered from the bushes situated near Ramnagar Satbhaiya Diyara.



Apprehended co-accused persons disclosed the name of the petitioners and others.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case by the police, on the basis of secret information allegedly received by the police that petitioners and others are indulged in the sale of illicit liquor. He further submits that the illicit liquor has not been recovered from the conscious possession or premises belonging to the petitioners. The liquor has been recovered from the bushes near diyara which is a place accessible to anyone. Petitioners' names were disclosed by the arrested co-accused persons.

5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession and or premises belonging to the petitioners, and they have been made accused on the disclosure of their name by the said accused persons, I am inclined to grant petitioners the 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Barh, in connection with Bakhtiyarpur Police Station Case No. 260 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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