

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81394 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- NADI P.S. District- Patna

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1. Bilendra Rai @ Birendra Rai, Son of Gena Rai, Resident of Village - Jethuli, P.S. - Nadi, District - Patna
 2. Kundan Kumar, Son of Birendra Rai @ Birendra Ray, Resident of Village - Jethuli, P.S. - Nadi, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

2 22-11-2024 Heard counsel for the petitioners and learned A.P.P.
for the State.

2. The petitioners apprehend their arrest in connection with Nadi P.S. Case No.97 of 2023 instituted under Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per the prosecution case, there is allegation of recovery of 865.59 litres of liquor from a pick-up van.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners. The petitioners have no concern either with the seized liquor or with the alleged recovered vehicle. The similarly situated co-accused, namely,



Abhishek Kumar @ Abhishek Yadav and Akhilesh Kumar have already been enlarged on anticipatory bail by this Court *vide* order dated 11.10.2023 passed in Cr. Misc. No.60519 of 2023. The petitioner no.1 has no criminal antecedent whereas petitioner no.2 has one criminal antecedent. Petitioners undertake to co-operate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned Special Judge, Excise, Patna City / Concerned Trial Court in connection with Nadi P.S. Case No.97 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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