

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86448 of 2023

Arising Out of PS. Case No.-215 Year-2023 Thana- BAJPATTI District- Sitamarhi

1. Santosh Kumar, Son of Raj Kumar Ray, resident of village -Rasalpur, PS- Bajpatti , District -Sitamarhi
2. Santosh Sah, Son of Mirchay Lal Sah @ Mirchai Lal Sah, resident of village- Rasalpur, PS- Bajpatti, District -Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Garg

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-01-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Bajpatti P.S. Case No. 215 of 2023 dated 21.07.2023 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the First Information Report the Police on the basis of secret information that near Rasalpur Chauk one person is keeping wine, reached at the place of occurrence and upon seeing the Police party he tried to flee away but was apprehended with 0.600 Litre of Nepali Saufi liquor. The arrested person further disclosed that Ram Karan Sahni and Raj



Kumar Ray are also selling liquor in a hut and upon such disclosure Police reached there and caught both of them and recovered 56 liter of illicit liquor from the hut, however, two persons managed to flee away. The arrested co-accused persons have disclosed the name of the persons who fled away as the petitioners.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated by the Police with oblique motive on the basis of disclosure of their name by the arrested accused persons. The petitioners are having no criminal antecedent and illicit liquor has neither been recovered from their conscious possession nor from the premises belonging to them.

5. Regard being had to the submission made by the parties, taking into consideration the fact that petitioners are having no criminal antecedent and illicit liquor has not been recovered from their conscious possession and / or premises belonging to them, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each



with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Excise Court-II, Sitamarhi in connection with Bajpatti P.S. Case No. 215 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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