

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13009 of 2024

Arising Out of PS. Case No.-621 Year-2023 Thana- SARAIYA District- Muzaffarpur

1. Dharmendra Patel @ Dharmendra Son of Late Mahendra Singh Resident of Vill- Bahilwar Bhual, P.S.- Saraiya (AJITPUR O.P.) Distt- Muzaffarpur.
2. Subodh Kumar Son of Shrawan Mahto Resident of Vill- Bahilwar Bhual, P.S.- Saraiya (AJITPUR O.P.) Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bipin Chandra, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 16-04-2024 Heard Dr. Bipin Chandra, learned counsel appearing on behalf of the petitioners and Mr. Rajendra Nath Jha, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Saraiya P.S. Case No. 621 of 2023 registered under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The allegation is of recovery of 30.240 litres of illicit foreign liquor from a bush.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in the present case. They have no concern either with the seized liquor or trade of liquor in any manner. The place of recovery is an open place which is accessible to anyone.



5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the nature of allegation made against the petitioners and the fact that the place of recovery is an open place which is accessible to anyone, the petitioners, above named, are directed to be released on pre-arrest bail the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Exclusive Special Excise Court No.II, Muzaffarpur in connection with Saraiya P.S. Case No. 621 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The District Court is directed to verify the criminal antecedent of the petitioners, as stated in paragraph no. 3 of the bail application. If any other case is found pending against the petitioners, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

Mantreshwar/-
Ashishsingh/-

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