

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9173 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- NARDIGANJ District- Nawada

1. SANTOSH RAJBANSHI S/O RAJENDRA RAJBANSHI R/O VILLAGE-RAJIV NAGAR, HANUMAN GARH, P.S.- NARDIGANJ, DISTRICT-NAWADA
2. UDAY RAJBANSHI S/O RAMASHISH RAJBANSHI R/O VILLAGE-RAJIV NAGAR, HANUMAN GARH, P.S.- NARDIGANJ, DISTRICT-NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-04-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a)(d) and 37(c) of the Bihar Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.
4. Allegation is of recovery of 10 litres of liquor from a bhatti and 2000 litres of fermented jawa mahua from a place near the bank of river.
5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even the alleged



recovery is from a place which is accessible to public at large and does not belong to the petitioners and they came to be implicated at the instance of the local people but then the name of the person who disclosed the name of the petitioners is not disclosed in the FIR which casts as aspersion on the case of the prosecution, when petitioners admittedly are persons with clean antecedent.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Nardiganj P.S. Case No. 263 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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