

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2825 of 2024

Arising Out of PS. Case No.-193 Year-2023 Thana- HATHAURI District- Muzaffarpur

1. Gauri Ray @ Gauri Shankar Kumar Son of Ram Sagar Ray @ Sagar Ray
Resident of Village- Mahuli, P.S.- Hathauri, District- Muzaffarpur.
2. Indrijeet Ray @ Indrijeet Kumar Son of Ram Sagar Ray @ Sagar Ray
Resident of Village- Mahuli, P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Hathauri P.S. Case No. 193 of 2023, registered for the alleged offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a)(b)(c) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, police received secret information about the petitioners and other co-accused persons manufacturing illicit liquor and selling it secretly. A raid was conducted at the identified place and on seeing the police four persons fled away from the spot. Several instruments of making illicit liquor along with 04 liters of country made liquor were



recovered from the spot. The villagers and local Chowkidar disclosed the name of petitioners who fled away from the spot along with other co-accused persons.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Learned counsel further submits that recovery has been shown from the bushes in front of the house of co-accused Ganesh Rai and the petitioners have no concern either with the said place or the recovery made from the spot. Real fact is that local Chowkidar is himself involved in illicit trade of liquor along with his son and brother and when the petitioner no. 2 made complaint against him, he has falsely implicated the petitioners along with other co-accused persons in this case. Even prior to this case, he has falsely implicated the petitioner no. 1 in some other case. Learned counsel further submits that, moreover, no recovery has been shown from the petitioners and nothing incriminating has been recovered from their conscious possession. Merely on saying of Chowkidar, the petitioners made accused in this case. The petitioner no. 2 does not have any criminal history where as petitioner no. 1 is accused in one more case.

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

06. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the fact that no recovery has been shown form the petitoners and further considering the possibility of false implication, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Corut No. 3, Muzaffarpur in connection with Hathauri P.S. Case No. 193 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

