

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9690 of 2025

Arising Out of PS. Case No.-315 Year-2024 Thana- BARAULI District- Gopalganj

1.

Vinod Singh S/O Late Rama Singh Resident of Village- Ratansarai, P.S.- Barauli, District- Gopalganj
2.

Anil Prasad S/O Gorakh Prasad @ Gorakh Ravat Resident of Village- Surwal, P.S.- Barauli, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anand Vardhan, Advocate
For the State	:	Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-03-2025 Heard Ld. counsel for the petitioners and Ld. APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Barauli PS. Case No.-315 of 2024 dated 29.11.2024, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2022.

3. As per allegation, total 7.56 litre of foreign liquor has been recovered from an open space near the cowshed of Meva Mahto. As per further allegation, accused-petitioners were seen to be selling the liquor.

4. Ld. counsel for the petitioners submits that the



Petitioners are innocent and have falsely been implicated in this case. He further submits that there is no recovery from conscious possession of the petitioners, nor there is any material to show that the petitioners were involved in selling the liquor. He further submits that the whole prosecution case is based on suspicion without being supported by cogent evidence.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner No.1 has no criminal antecedent and petitioner No.2 has been made accused in four other cases.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Additional District and Sessions Judge-XIII- cum-



Special Excise Court No.1, Gopalganj, in connection with Barauli PS. Case No.-315 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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