

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11324 of 2025

Arising Out of PS. Case No.-1309 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. Ashok Sah S/o- Jungi Sah Village- Turkauliya Kathariya Tola Ps- Turkauliya Dist- East Champaran
 2. Mithu Sah @ Jai Kishor Sah S/o- Village- Turkauliya Kathariya Tola Ps- Turkauliya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 21-02-2025
1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out of Turkauliya Police Station Case No. 1309 of 2023, dated 29.12.2023, disclosing offences punishable under Sections 272/273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.
 3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioners and other accused persons were selling illicit liquor near the field of one Banka Sah, proceeded towards the place



of occurrence and after seeing the police, the petitioners and other accused persons fled away. It is alleged that the police recovered 11 liters of country-made liquor from the field of Banka Sah. It has further been alleged that the petitioners and others were identified by local Chowkidar.

4. Learned Counsel for the petitioners submits that the petitioners have been implicated in this case on the basis of disclosure of their names by the local Chowkidar. The petitioners are having no criminal antecedent. He further submits that from perusal of the seizure list, it transpires that illicit liquor has been recovered from the field of Banka Sah, which is open space, accessible to all and sundry. He next submits that similarly situated co-accused, Deepak Kumar, has been granted anticipatory bail by this Court, vide order, dated 14.11.2024, passed in Criminal Misc. No. 74682 of 2024.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioners have got no criminal antecedent, their names were disclosed by the local Chowkidar, illicit liquor has not been recovered from the possession and/or premises belonging to the petitioners and similarly



situated co-accused has been granted anticipatory bail by this Court, I am inclined to grant the petitioners privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds 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. 1, East Champaran, at Motihari, in connection with Turkauliya Police Station Case No. 1309 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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