

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82253 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- PARBATTa District- Khagaria

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1. Gaurav Kumar Son of Sri Ramranjan Mishra @ Jhapo Mishra Village-Kanhaiyachak, P.S.- Parbatta, District- Khagaria
 2. Ankit Kumar Son of Sri Subal Choudhary @ Subal Chaudhari Village-Kanhaiyachak, P.S.- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Adv.
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2025 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 Parbatta P.S. Case No. 69 of 2024 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

03. As per prosecution case, police received secret information about petitioners and other co-accused persons bringing huge quantity of liquor and concealing it in the open land of the co-accused situated outside the village. A raid was conducted and a number of persons fled away from the spot.



The place was searched and from the *basa* of co-accused, 102.75 litres of foreign liquor was recovered which was concealed beneath the soil and in the bushes.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from person or possession of the petitioners. Recovery has been shown from an open place and the petitioners have no concern with the seized liquor. There is complete violation of Section 100 of Cr.P.C. Petitioners are having clean antecedent..

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 fact that recovery has been shown from an open place and also considering the clean antecedent of the petitioners coupled with possibility of false implication, let the petitioners above named, in the event 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 Excise Judge-



II, Khagaria/ court concerned, in connection with Parbatta P.S.
Case No. 69 of 2024, 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)

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