

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83989 of 2024

Arising Out of PS. Case No.-284 Year-2024 Thana- BARHARA District- Bhojpur

1. Chandan Sah @ Chandan Saw Son of Late Krishna Sah @ Krishna Saw R/O- Nathmalpur, PS- Barhara District- Bhojpur at Ara
2. Raju Singh Son of Late Suryanath Sah @ Suryanath Saw @ Suryanath Singh R/O- Nathmalpur, PS- Barhara District- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Ms. Mili Kumari, Advocate
For the State : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-03-2025 Heard Ms. Mili Kumari, learned counsel for the petitioner and Mr. Umeshanand Pandit, learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 160 litres illicit county made Mahua liquor was recovered from the spot.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are innocent and have committed no offence. Nothing has been recovered from conscious possession of these petitioners and they have falsely



been implicated in this case merely on suspicion. The alleged illicit liquor has been recovered from an open place, which is accessible to one and all. Petitioner No. 2 has got no criminal antecedent of similar nature.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that huge quantity of illicit liquor has been recovered. Petitioner No. 1 has got three criminal antecedents of similar nature.

6. Considering the aforesaid facts and circumstances, huge quantity of recovery and fact that Petitioner No. 1 has got three criminal antecedents of similar nature, the prayer for grant of anticipatory bail to Petitioner No. 1 is rejected.

7. So far as Petitioner No. 2 is concerned, considering the fact that no incriminating article has been recovered from conscious possession and fact that Petitioner No. 2 has got no criminal antecedent of similar nature, the prayer for grant of anticipatory bail to Petitioner No. 2 is allowed.

8. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named Petitioner No. 2 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned Exclusive Special Excise Court No.- 1st, Bhojpur at Ara in connection with Barhara P.S. Case No. 284 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

9. With the aforesaid directions, this application stands disposed of.

(Prabhat Kumar Singh, J)

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