

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87302 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- SIMRI District- Buxar

Arjun Prasad S/O Bhuwar @ Bhuwar Prasad R/O Village- Kulhadiya Khas,
Surahi, P.S- Narahi, Distt.- Ballia (U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 89647 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- SIMRI District- Buxar

Kishan Manjhi S/O Moti Chandra Manjhi Resident of village- Umarpur, PS-
Buxar (Ind), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 87302 of 2024)
For the Petitioner/s : Mr.Amit Kumar Pandey
For the Opposite Party/s : Mr.Veena Kumari Jaiswal
(In CRIMINAL MISCELLANEOUS No. 89647 of 2024)
For the Petitioner/s : Mr.Manish Rai Sharma
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 320-01-2025
1. Since both these applications arise out of Simri Police Station Case No. 104 of 2024, with the consent of the parties, both these application are heard together.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. This application for grant of anticipatory bail arises out of



Simri Police Station Case No. 104 of 2024, dated 22.03.2024, disclosing offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The prosecution case, as per the First Information Report, is that the police, on secret information that two persons are present near Brahmsthan, Nagpura, having illicit liquor on a motorcycle, reached the place of occurrence and saw two persons standing near a motorcycle having a gunny bag on the motorcycle and on seeing the police they fled away after throwing a bag, but, while fleeing, the mobile phone of one of the persons fell down at the spot. On search, the police recovered 77.34 litres of illicit foreign liquor from the bag which were thrown by the persons standing near the motorcycle.
5. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioner no. 1 has been implicated in this case merely because his cell phone was found at the spot and the petitioner no. 2 has been implicated in this case on the basis of CDR, which goes to show that the petitioners were on talking terms. He further submits that the petitioners have no concern



with the illicit liquor recovered and they have got no criminal antecedent.

- 6. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent and he has been made accused in the present case merely because the mobile of the petitioner no. 1 was found at the place of occurrence, I am inclined to grant the petitioners privilege of anticipatory bail.
- 7. This application is, accordingly, allowed.
- 8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within 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. II, Buxar, in connection with Simri Police Station Case No. 104 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	√	T	√
---	---	---	---

