

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89808 of 2024

Arising Out of PS. Case No.-507 Year-2024 Thana- ISLAMPUR District- Nalanda

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1. Rajesh Sapera @ Rajesh Nut S/O Suren Nut R/O Village - Khatolna Bigha, P.S- Islampur, District- Nalanda
 2. Rakesh Sapera @ Rakesh Nut S/O Suren Nut R/O Village - Khatolna Bigha ,P.S- Islampur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-01-2025 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 Islampur Police Station Case No. 507 of 2024, dated 21.09.2024, disclosing offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that co-accused Suren Nut, father of the petitioners, is selling illicit liquor in east Khandha of the village, reached at the place of occurrence and on seeing the police, four persons sitting with plastic gallons, fled away. The local villagers



disclosed the name of the petitioners and other accused persons as the persons who fled away. On search, the police recovered 170 litres of illicit country-made liquor from the Khandha of the village.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on the basis of disclosure of their names by the co-villagers due to village politics. He further submits that the petitioners have got no concern with the illicit liquor recovered from the Khandha of the village, which is an open space and is accessible to all and sundry. He further submits that the petitioner no. 1 has one criminal antecedent; whereas the petitioner no. 2 has got no criminal antecedent.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioners have been made accused in the present case on the basis of disclosure of their names by the co-villagers and the illicit liquor has been recovered from the Khandha of the village, which is an open space and is accessible to all and sundry, 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 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, Nalanda, at Biharsharif, in connection with Islampur Police Station Case No. 507 of 2024, 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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