

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15504 of 2020

Arising Out of PS. Case No.-363 Year-2019 Thana- PIPRA District- East Champaran

1. YASHODA NAND KUSHWAHA Son of Late Shiv Balak Prasad Kushwaha Resident of Village - Ghanshyam Pakari, P.S.- Pipra, District- East Champaran (Motihari)
2. Ram Pukar Kushwaha Son of Late Shiv Balak Prasad Kushwaha Resident of Village - Ghanshyam Pakari, P.S.- Pipra, District- East Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha
For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

7 14-12-2021 Heard learned counsels for the petitioners and
the State.

Petitioners apprehend arrest in connection with Pipra P.S. Case No. 363 of 2019 registered for the offence punishable under sections 30(a)/41(1) of the Excise Act.

Learned counsel appearing for the petitioners submits that petitioners have been falsely implicated in this case merely on suspicion. The alleged recovery is from the joint house. Petitioners have no criminal antecedent.

Learned Addl. P.P. appearing for the State



submits that there is recovery from a place which belong to the petitioner no. 2.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner no.1, Yashoda Nand Kushwaha, in the event of arrest or surrender within a period of four weeks from today, be released on bail on furnishing personal bond to the satisfaction of Additional Sessions Judge IX-cum-Special Judge, Excise, East Champaran, Motihari in connection with Pipra P.S. Case No. 363 of 2019 subject to the conditions laid down under section 438(2) Cr.P.C.

As regards petitioner no. 2, considering the nature of allegations levelled supported by the recovery, this Court is not inclined to grant him the privilege of anticipatory bail. The prayer for bail is, accordingly, rejected.

(Arvind Srivastava, J)

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