

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31267 of 2020

Arising Out of PS. Case No.-175 Year-2020 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. GHANSHYAM KAPAR @ GHANSHYAM KUMAR Son of Late Nago Kapar Resident of Village - Raghunathpur, P.S.- Sahebpur Kamal, District - Begusarai.
 2. Vijay Kapar Son of Late Nago Kapar Resident of Village - Raghunathpur, P.S.- Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajit Kumar,Adv
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 08-04-2021 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under Section 414 of the Indian Penal Code and Section 30(a) of Excise Act.

Allegation is of recovery of 12 Litre of country made illicit liquor from the hut of petitioners.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. It has been further submitted that petitioners brother co-accused Officer Yadav is involved in the trade of illicit liquor and being brother of said Officer Yadav residing in joint house as would be apparent from reading of FIR and they have been implicated in



this case. No offence under Excise Act is made out against petitioners. There is no independent witness to the seizure list. Nothing has been recovered from the possession of petitioners. Petitioners have got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bonds of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Sahebpur Kamal P.S. Case No. 175 of 2020**, subject to the conditions laid down under Section 438(2) of the Cr.P.C with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court.
- (3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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