

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41106 of 2020

Arising Out of PS. Case No.-234 Year-2020 Thana- KALYANPUR District- East Champaran

1. SANTOSH PATEL, Son of Lakhindra Patel Resident of Village - Ashok Pakari, P.S.- Pipra, Distt.- East Champaran.
2. Sonu Patel, Son of Naresh Patel Resident of Village - Ashok Pakari, P.S.- Pipra, Distt.- East Champaran.
3. Ramesh Paswan, Son of Brahmdeo Paswan Resident of Village - Ashok Pakari, P.S.- Pipra, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-07-2021 Heard Mr. Anil Kumar, learned counsel for the

petitioners and Mr. Sunil Kumar Pandey, learned APP for

the State.

The petitioners seek bail in anticipation of their

arrest in connection with Kalyanpur P. S. Case No. 234

of 2020, dated 13.09.2020, instituted for the offences

under Sections 272, 273, 414 and 34 of the Indian

Penal Code.

The petitioners and others are alleged to have

run away from the place of raid, taking the advantage of



darkness. Against them, there is an allegation of unloading the consignment of liquor from a vehicle.

The learned counsel for the petitioners has submitted that they have been named in the F.I.R. but only on the statement of an arrested accused person, namely, Chandra Bhushan Sah. Aforesaid Chandra Bhushan Sah has disclosed before the police party that he had been working for co-accused / Narbadeshwar Tiwary.

In any view of the matter, the accusation against the petitioners is based only on the statement of aforesaid Chandra Bhushan Sah.

The petitioners do not have criminal antecedents.

The learned counsel for the petitioners, therefore, submits that these facts do reflect that no case under the Excise Act can at all be said to have been made out against the petitioners.

Considering the afore-stated facts, the



petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge - XII -cum- Incharge Special Judge, Excise, East Champaran, in connection with Kalyanpur P. S. Case No. 234 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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