

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14107 of 2021

Arising Out of PS. Case No.-435 Year-2020 Thana- PURNEA SADAR District- Purnia

1. Neeraj Yadav @ Neeraj Kumar Yadav, aged about 32 years, male, S/o Kailash Prasad Yadav, Resident of Village- Belwa, P.S.- Sadar Muffasil, District - Purnea.
2. Rupesh Goswami, aged about 30 years, male, Son of Shambhu Goswami, Resident of Village- Birpur, P.S.- Sadar Muffasil, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurabh Anand, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 03-01-2022 Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Sadar Muffasil P.S. Case No. 435 of 2020 instituted for the offences under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

90 litres of liquor is said to have been recovered



from a vehicle and two persons were arrested along with the seized liquor. The aforesaid two persons have named the petitioners as the owners of the liquor.

It has been submitted on behalf of the petitioners that but for the statement of the aforesaid two arrested accused persons, there is no other material to connect them with the offence. The petitioners deny the statement made by the arrested accused persons of their being the owners of the liquor in question.

The petitioners have clean antecedents.

On these grounds, it has been urged that no offence under the Excise Act can at all be said to have been made out against the petitioners.

For the reasons afore-noted, the petitioners, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Purnea in connection with Sadar Muffasil P.S.



Case No. 435 of 2020, subject to the conditions laid down
under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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