

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17902 of 2022

Arising Out of PS. Case No.-127 Year-2021 Thana- BISHWAMBHARPUR District-
Gopalganj

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1. KRISHNA YADAV Son of Babu Nand Yadav Resident of Village - Kala Matihiniya, P.s.- Bishambharpur, Distt.- Gopalganj, At present address- Rampur, P.s.- Tariya Sujan, Distt.- Kushinagar (Uttar Pradesh)
 2. Chhotan Yadav Son of Harendra Yadav Resident of Village - Kala Matihiniya, P.s.- Bishambharpur, Distt.- Gopalganj, At present address- Rampur, P.s.- Tariya Sujan, Distt.- Kushinagar (Uttar Pradesh)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate
For the Opposite Party/s : Ms.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 190 litres of liquor from two motorcycles kept in plastic sacks.

Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession, it is next submitted that even the motorcycle does not belong to the petitioners nor they were driving the same. It is next submitted that the name of the petitioners transpired in the confessional statement of co-accused Golden Kumar and Rahul Kumar which has no evidentiary value.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners and the fact that the petitioners are persons with clean antecedent, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bishambharpur P.S. Case No. 127 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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