

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23970 of 2022

Arising Out of PS. Case No.-235 Year-2021 Thana- MANJHAGARH District- Gopalganj

1. SONU SINGH SON OF KANHAIYA SINGH R/O VILLAGE- CHHOTKA DHAMAPAKAR, P.S.- MANJHAGARH, DISTRICT- GOPALGANJ
2. NITISH SINGH SON OF KANHAIYA SINGH R/O VILLAGE- CHHOTKA DHAMAPAKAR, P.S.- MANJHAGARH, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioners apprehend their arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioners submits that petitioner
no. 1 has antecedent of one case and petitioner no. 2 is a person with
clean antecedent.

Allegation is of recovery of 234.8 litres of liquor from the
road and a motorcycle.

Learned counsel for the petitioners submits that petitioners
were not arrested from the spot, as such, nothing was recovered from



their conscious possession. It is further submitted that the name of the petitioners transpired in the confessional statement of Raj Kumar in police custody which does not have any evidentiary value in the eye of law. It is next submitted that the alleged recovery is also from a place which is accessible to public at large and the motorcycle does not belong to the petitioners.

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, the petitioner no. 1 and petitioner no. 2, 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.10,000/- (Rupees Ten Thousand) and Rs.1,000/- (Rupees One Thousand) respectively each 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 Manjhagarh P.S. Case No. 235 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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