

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26461 of 2022

Arising Out of PS. Case No.-423 Year-2021 Thana- GORAUL District- Vaishali

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1. SAURAV KUMAR SAHU S/o Sudhir Prasad Sahu Resident of- New Konjari, P.S.- Namkum, Dungri Hatia Ranchi, Jharkahand
 2. ASHOK KUMAR SINHA S/o N.P. Sinha Resident- 29 Birsa Nagar, P.S.- Namkum, Dungri Hatia Ranchi, Jharkhand

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-11-2022 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) 32(ii), 38(ii) and 41(1) 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 36 litres of liquor from a Tavera vehicle apart from other recovery, as detailed in the FIR.

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 petitioner no.2 is owner of alleged Tavera vehicle and thus he came to be implicated, while petitioner no.1 came to be implicated based on confessional statement of co-accused persons in police custody which does not have any evidentiary value, it is next submitted that no prudent man would use his own vehicle for committing a crime and thus creates evidence against himself, it is further submitted that petitioner no.2 is completely unaware that the driver would misuse the vehicle for such illegal purpose.

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 petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection



with Gorual P.S. Case No. 423 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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