

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37236 of 2022

Arising Out of PS. Case No.-769 Year-2021 Thana- SONEPUR District- Saran

1. Shyam Nandan Rai Son Of Natha Rai Resident Of Village - Rampur, P.S.- Raghapur, Distt.- Vaishali
2. Umesh Rai Son Of Late Moti Rai Resident Of Village - Sabalpur Mahuwabag, Batrauli, P.S.- Sonpur, Distt.- Saran At Chapra
3. Pankaj Kumar @ Pankaj Kumar Rai Son Of Umesh Rai Resident Of Village - Sabalpur Mahuwabag, Batrauli, P.S.- Sonpur, Distt.- Saran At Chapra

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar
For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a) and 41(1) of the Excise Act.

The learned counsel for the petitioners submits that the petitioners have antecedent of one case and the allegation is of recovery of 35 litre of liquor from the boxes hidden in the sand from Sabalpur Bazar.

The learned counsel for the petitioners submits that the petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is next submitted that



even the alleged recovery was from a place which does not belong to the petitioners. It is further submitted that recovery was from a place which is accessible to public at large and the petitioners came to be implicated by local villagers as alleged in the F.I.R., but the F.I.R. does not disclose the name of the villagers, who disclosed the name of the petitioners.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

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 Court below within a period of six weeks from today, 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 Court below where the case is pending in connection with Sonpur P. S. Case No.769 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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