

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47589 of 2022

Arising Out of PS. Case No.-350 Year-2021 Thana- BARAULI District- Gopalganj

1. AJU MIYA @ AJAY MIYA Son of Jafar Miya @ Md. Abdul Gaffar R/V- Hindu Chakiya, P.S- Chakiya, Dist- East Champaran (Motihari)
2. Golu Gupta Son of Sambhu Sah R/V- Hindu Chakiya, P.S- Chakiya, Dist- East Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Barauli P.S. Case no. 350 of 2021 instituted for the offence under Sections 30(a) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 302.40 litres of IMFL from a tractor and driver was apprehended on spot and he disclosed the name of the petitioners as of his associates.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have got no criminal antecedent. Petitioners have no concern with the alleged recovery or with the vehicle in question. The name of the petitioner has been disclosed in this



case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Neither the petitioners were arrested nor any incriminating article has been recovered from their possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Barauli P.S. Case no. 350 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Excise Court No. I, Gopalganj subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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