

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56039 of 2022

Arising Out of PS. Case No.-437 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

1. BRAJESH KUSHWAHA S/O DUDHNATH KUSHWAHA RESIDENT OF VILLAGE- SHITAL BARDAHA, P.S.- KUCHAIKOTE, DISTRICT- GOPALGANJ
2. DHANJE YADAV S/O HARENDRA YADAV RESIDENT OF VILLAGE- SHITAL BARDAHA, P.S.- KUCHAIKOTE, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-11-2022 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 Sections 419, 420 and 34 of the Indian Penal Code and Sections 30(a)(b)(c)(d) and 36 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 29 litres of liquor and 8089 pieces of empty plastic bottles from the house of Dudhnath Prasad and 4 litres of liquor from the dicky of a motorcycle.

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 petitioners are neither the owner nor the driver of the alleged motorcycle and they came to be implicated based on confessional statement of co-accused Dudhnath Prasad, Reshami and Harivans in police custody which does not have any 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, 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 Kuchaikote P.S. Case No. 437 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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