

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57887 of 2022

Arising Out of PS. Case No.-347 Year-2022 Thana- SABAUR District- Bhagalpur

1. MANTU YADAV S/O SITABI YADAV Resident of village- Danda Bazar, P.S.- Goradih, District- Bhagalpur.
2. BALKISHOR YADAV S/O SITABI YADAV Resident of village- Danda Bazar, P.S.- Goradih, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sangeeta Sharma, A.P.P.

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 30(a)(b)(c) and 32(III) 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 25 liters of liquor from a ditch like pond situated in petitioners land and along with some fermented material which were destroyed at the spot.

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 the ditch like pond is a place which is accessible to public at large and thus the police before instituting the FIR ought to have properly inquired the case, it is next submitted that no prudent man would utilize his own land for committing an illegality and thus create evidence against himself.

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 Sabaur (Goradih) P.S. Case No. 347 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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