

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21364 of 2023**

Arising Out of PS. Case No.-370 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Supaul

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1. SHIVAM PATHAK @ SHIVAM KUMAR PATHAK son of Shravan Pathak  
Village- Mahishi Ps- Mahishi Dist- Saharsa
  2. Shankar Choudhary @ Mangal Choudhary @ Yashraj Choudhary son of  
Dilip choudhary Village- Mahishi Ps- Mahishi Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Madhav Jha, Advocate  
For the Opposite Party/s : Mr. Sanjay Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      15-05-2023                      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 Section 30(a) 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 69.750 litres liquor from a car and 310.875 litres  
liquor from bushes.

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 of the vehicle



nor have any concern with the bushes, it is next submitted that even the alleged recovery is from a place which is accessible to public at large when admittedly the petitioners are persons with clean antecedent and came to be implicated based on confessional statement of Rupesh Kumar 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 Court below 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 Exclusive Special Judge, Excise Court No.2, Supaul in connection with Excise Prohibition (Supaul) P.S. Case No. 370 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

Rishi-II

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