

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22813 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- GAUTAMBUDHNAGAR District- Siwan

1. Indal Bind @ Indal Prasad S/O Sitaram Bind @ Sitaram Prasad Resident Of Village- Dihiya, P.S.- G.B. Nagar, District- Siwan.
2. Amar Bind @ Amar Prasad S/O Shubh Narayan Prasad Resident Of Village- Dihiya, P.S.- G.B. Nagar, District- Siwan.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Singh
For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-05-2023 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(D),
30(a), 34, 36, 41(i) of the Excise Act, 2016.

The learned counsel for the petitioners submits that the
petitioners have antecedent of two cases and the allegation is of
recovery of 95 litre of liquor from Dihiya Chawar village kept in a
plastic sack.

The learned counsel for the petitioners submits that
petitioners were not arrested from the spot, as such, nothing was
recovered from their conscious possession and even recovery is
from a place which is accessible to public at large and do not
belong to the petitioners and they came to be implicated disclosure



made by local people, but then, F.I.R. does not disclose the name of the local people, who disclosed the name of the petitioners, creates doubt with regard to the veracity of the allegation as alleged in the F.I.R. It is further submitted that petitioners because of their antecedent came to be implicated falsely by the police.

Learned A.P.P. opposes the 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, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-cum-Special Judge (Excise)-1, Siwan in connection with G.B. Nagar P. S. Case No.58 of 2023, 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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