

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22589 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- BELAGANJ District- Gaya

1. VIKASH YADAV @ SWAMI DAYANAND Son of Jai Prakash Narain @ Prakasha Yadav Resident of Village - Birbal Bigha, Police Station - Belaganj in the District of Gaya.
2. Vivek Yadav @ Swami Vivekanand Son of Jai Prakash Narain @ Prakasha Yadav Resident of Village - Birbal Bigha, Police Station - Belaganj in the District of Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, A.P.P.

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 Sections 30(a)(c)(d) (g) 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 10 liters of liquor from Satendar Yadav along with gas cylinder and on search of nearby place 3000 liters of soaked java mahua along with other articles were recovered.

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 even alleged recovery is from a place which does not belong to the petitioners and he came to be implicated based on confessional statement of Satendar Yadav in police custody which does not have any evidentiary value, when admittedly petitioners are persons with clean antecedent.

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) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Belaganj P.S. Case No. 34 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

U		T	
---	--	---	--

