

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25340 of 2023

Arising Out of PS. Case No.-365 Year-2022 Thana- KHANPURA District- Samastipur

1. Dilip Pasi Son Of Ramdeo Pasi R/O Village- Masina, P.S.- Khanpur, District- Samastipur
2. Roshan Kumar Son Of Sanjay Pasi R/O Village- Masina, P.S.- Khanpur, District- Samastipur
3. Sujeet Mahto Son Of Suresh Mahto R/O Village- Masina, P.S.- Khanpur, District- Samastipur
4. Upendra Pasi Son Of Ramdeo Pasi R/O Village- Masina, P.S.- Khanpur, District- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-05-2023 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 Section
30(a) of the Excise Act.

The learned counsel for the petitioners submits that
the petitioners are persons with clean antecedent and the
allegation is of recovery of 21.750 litres of liquor from husk
house of Sanjay Pasi and Md. Nazir and Pankaj Sah were
arrested.



The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is next submitted that they came to be implicated based on confessional statement of co-accused in police custody, which does not have any evidentiary value. It is further submitted that petitioner no.2, being son of Sanjay Pasi, came to be implicated. It is also submitted that the husk house is a place outside the house and thus, is accessible to public at large and no prudent person would use their own premises for committing a crime and thus, would create evidence against themselves and hence, would get implicated, when admittedly petitioners are persons with clean antecedent.

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. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise -01, Samastipur in connection with Khanpur P. S. Case No.365



of 2022, 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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