

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25736 of 2023

Arising Out of PS. Case No.-715 Year-2021 Thana- MAHUA District- Vaishali

SHIVAM KUMAR @ FANNU @ SHIVAM SON OF UMESH RAY R/O
VILLAGE- CHHITWARA KAPUR, P.S.- MAHUA, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31667 of 2023

Arising Out of PS. Case No.-715 Year-2021 Thana- MAHUA District- Vaishali

RAHUL KUMAR @ RAHUL KUMAR SINGH Son of Ratnesh Prasad Singh
@ Ratnesh Kumar Singh Resident of village - Madhopur Nizma, P.S.- Mahua,
District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 25736 of 2023)

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 31667 of 2023)

For the Petitioner/s : Mr. Rahul Kumar Dubey, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-05-2023 **CRIMINAL MISCELLANEOUS No.25736 of 2023**

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a),
32(ii), 34(ii), 38(ii) and 41(i) of the Bihar Excise Act.



Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 3618.36 liters of liquor from a truck and Tata pick-up van and 864 liters of liquor from a godown of Abhishek Raj.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he is not the owner of any of the seized vehicles or the godown and he came to be implicated based on confessional statement of co-accused in police custody which does not have any evidentiary value, when admittedly petitioner is a person with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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 each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mahua P.S. Case No. 715 of 2021 subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 31667 of 2023

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 32(ii), 34(ii), 38(ii) and 41(i) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of eight cases and allegation is of recovery of 3618.36 liters of liquor from a truck and Tata pick-up van and 864 liters of liquor from a godown of Abhishek Raj.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he is not the owner of any of the seized vehicles or the godown and he came to be implicated based on confessional statement of co-accused 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 petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 40,000/- (Rupees Forty Thousand) 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 Mahua P.S. Case No. 715 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishabh/-

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

