

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29027 of 2023

Arising Out of PS. Case No.-462 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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1. SHIV RAI @ SHIV RAY Son of Nagina Ray Resident of village - Kotwa,
P.S.- Kotwa, District - East Champaran.
 2. Pradeep Kumar Son of Ramchandra Mahto Resident of village - Sewraha
Ward No.- 5, P.S.- Kotwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-05-2023 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) and
41(i) of the Bihar Prohibition and Excise (Amendment) Act.

Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent.

Allegation is of recovery of 9.920 litres of liquor from
two motorcycles and Raushan Kumar and Abhay Pandey were
arrested.

Learned counsel for the petitioners submits that
petitioners were not arrested from the spot, as such, nothing was
recovered from their conscious possession and they came to be



implicated based on the fact that they are owner of the motorcycles. It is further submitted that no prudent person would use his own vehicle for committing a crime and thus would create evidence against himself and hence would get implicated. It is next submitted that petitioners were completely unaware that Raushan Kumar and Abhay Pandey would misuse the motorcycles in the manner as alleged when admittedly they 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 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 court below where the case is pending/successor court in connection with Govindganj (Malahi) P.S. Case No. 462 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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