

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28686 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- BIHTA District- Patna

1. RAJESH KUMAR Son of Jag Narayan Chaudhary Resident of village - Barahari, P.S.- Barahari, District - Rohtas, At present Jugal Deep Apartment, Flat No.- A/301, Ram Nagri, P.S.- Rajiv Nagar, District - Patna, Now shifted in Flat No.- 101, Sumit Chandram Grihanam Apartment, Middle Block, Ram Nagri, P.S.- Rajiv Nagar, Patna, District - Patna.
2. Ashok Singh Son of Suryavansh Singh Resident of Flat No.- A/301, Yugal Deep Apartment, Ram Nagri Sector- 3, Ashiyana Nagar, Patna, P.S.- Rajiv Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary
For the Opposite Party/s : Mr. Anand Kishore Choudhary

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 420, 467, 468, 471, 120B of the Indian Penal Code and Sections 30(a)(b) (c)(d), 32(I)(II)(III), 33, 36, 41(I)(II), 44, 47, 62 of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners have antecedent of one case and allegation is of recovery of 5.625 liters of liquor from factory of Anmol Enterprises and 2640 liters of spirit from the godown situated at



some distance from the factory.

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 they came to be implicated based on the confessional statement of Neelam Devi in police custody which does not have any evidentiary value, it is further submitted that petitioners are partners and are running Anmol Enterprises and Neelam Devi is an associate, it is next submitted that no prudent person would use his own premises for committing an occurrence and thus creating evidence against themselves and hence would get implicated easily, it is next submitted that the recovery is meagre which amply demonstrates that someone inimical to the petitioner tries to falsely implicate him. It is next submitted that the petitioners are not the owner of the godown.

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. 10,000/-



(Rupees Ten Thousand) each 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 Bihta P.S. Case No. 23 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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