

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29114 of 2023**

Arising Out of PS. Case No.-442 Year-2021 Thana- BASANTPUR District- Siwan

Chotu Miya @ Chhotu Miyan, S/O- Julim Miyan Village- Jagdishpur Ps-  
Maharajganj Dist- Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bijay Prakash Singh  
For the Opposite Party/s : Mr.Parmanand Kumar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      18-05-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in anticipation of his arrest in  
a case registered for the offences punishable under Section 30(a)  
of the Excise Act, 2016.

The learned counsel for the petitioner submits that the  
petitioner is a person with clean antecedent and the allegation is  
of recovery of 35 litre of liquor from the house of Rita Devi,  
who disclosed the name of the petitioner, who fled after seeing  
the police.

The learned counsel for the petitioner submits that  
petitioner was not arrested from the spot, as such, nothing was  
recovered from his conscious possession. It is next submitted  
that even the alleged recovery is from a place, which does not



belong to the petitioner and his name transpired in the confessional statement of Rita Devi in police custody, which does not have any evidentiary value, when admittedly, petitioner is a person with clean antecedent.

Learned A.P.P. opposes the bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, Siwan in connection with Basantpur P. S. Case No.442 of 2021, 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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