

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33543 of 2023

Arising Out of PS. Case No.-269 Year-2022 Thana- SHERGHATI District- Gaya

1. KANTI DEVI Wife of Late Tapeswar Singh @ Late Tapesdur Singh
Resident of Village-Ghoraghat, PS-Dpbhi, Dist-Gaya
2. Baban Singh Son of Late Tapeswar Singh @ Late Tapesdur Singh
Resident of Village-Ghoraghat, PS-Dpbhi, Dist-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 25-05-2023 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 Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 126 liters of liquor from an Auto.

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 petitioner No. 1 came to be implicated as he is the owner of the Auto and no prudent person would use his own vehicle for committing a crime and thus would create an



evidence against himself and hence would get implicated, it is next submitted that Auto is his source of livelihood and no one will play with his livelihood in the manner as alleged, it is further submitted that the petitioner No. 2 being associated with petitioner No. 1 has also been implicated based on suspicion when admittedly, the petitioners 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 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) 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 Sherghati P.S. Case No. 269 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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