

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30899 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Vivek Kumar, Son Of Devendra Ray Resident Of Village - Jitwarpur Chouth, Ward No.- 14, Police Station - Samastipur (Muffasil), District - Samastipur
 2. Nitish Nirala @ Nitish Kumar Nirala, Son Of Ram Sundar Ray Resident Of Village - Hakimabad, Police Station - Samastipur (Muffasil), District - Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 120(B), 34 of the I.P.C. and Sections 30(a), (b), 32, 36, 41(i)(ii), 44(i), 62 of the Excise Act.

The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case and petitioner no.2 is a person with clean antecedent and the allegation is of recovery of 932.760 litre of liquor from a Bolero vehicle and the house and Rakesh Kumar and Sunita Devi were arrested.

The 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 confessional statement of Rakesh Kumar in police custody, which does not have any evidentiary value. It is next submitted that petitioners are neither the owner of the Bolero vehicle and the house from where the liquor was recovered.

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

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, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge-01, Samastipur in connection with Samastipur (Mufassil) P. S. Case No.155 of 2023, 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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