

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33553 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- MITHANPURA District- Muzaffarpur

1. BITTU KUMAR SON OF LATE OM PRAKASH SINGH @ LATE OM PRAKASH SINHA R/O-BHAWAN BIGHA ROAD NO. 14, P.S.-MITHANPURA, DISTT.-MUZAFFARPUR
2. CHOTU KUMAR SON OF LATE OM PRAKASH SINGH @ LATE OM PRAKASH SINHA R/O-BHAWAN BIGHA ROAD NO. 14, P.S.-MITHANPURA, DISTT.-MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manindra Kishore Singh, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

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 offence 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 628.560 liters of liquor from the roof of the house of Neelam Sinha.

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 confessional statement of co-accused in police custody which does not have any evidentiary value, when admittedly petitioners are persons with clean antecedent, it is next submitted that even the house from where the alleged recovery is made is a joint family property, as such, it cannot be alleged with certainty that it were the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge, it is further submitted that petitioners work at Muzaffarpur.

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 Mithanpura P.S. Case No. 102 of 2023 subject to the
conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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