

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32732 of 2023

Arising Out of PS. Case No.-440 Year-2022 Thana- CHAKAND District- Gaya

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1. RAMDAHIN YADAV Son of Durga Yadav Resident of Village- Simaria, PS. Chakand, District- Gaya
 2. Surendra Yadav Son of Durga Yadav Resident of Village- Simaria, PS.- Chakand, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-05-2023 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 30(a) and 30(d) of the Bihar Excise Act.

Learned counsel for the petitioners submits that petitioner No. 1 has antecedent of four cases and petitioner No. 2 has antecedent of one case and allegation is of recovery of 5 liters of liquor from a motorcycle along with 600 kg of Mahua Flower and 20 liters of liquor from a Magic pickup van.

Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession and they came to be implicated based on the confessional statement of Md. Mushtaque in police custody which does not have any evidentiary value, it is next submitted that the petitioners are not the owners of the motorcycle or the pickup van and they came to be implicated because of their antecedents.

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. 20,000/- (Rupees Twenty 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 Chakand P.S. Case No. 440 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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