

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33192 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- PHULWARIYA District- Gopalganj

1. SANTOSH KUMAR Son of Ramchandra Bhagat Resident of village-Jagauliya Tola Inarwa, P.S.-Madhuban, District-East Champaran
2. BIDHYA SHAGAR Son of Vishwanath Bhagat @ Bishwanath Bhagat Resident of village-Jagauliya Tola Inarwa, P.S.-Madhuban, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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 Sections 30(a) and 41(i) 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 734.400 liters of liquor from a truck, 138.240 liters of liquor from a Maruti car and Deepak was arrested.

Learned counsel for the petitioners submits that the 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 Deepak in police custody which does not have any evidentiary value, when admittedly petitioners are persons with clean antecedent and are not the owners of any of the seized vehicles.

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 Phulwariya P.S. Case No. 92 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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