

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32887 of 2023

Arising Out of PS. Case No.-401 Year-2022 Thana- BAIKUNTHPUR District- Gopalganj

1. Ajit Singh @ Ajeet Singh Son Of Ramnath Singh Resident Of Village- Paharpur, Ps- Baikunthpur, Distt- Gopalganj
2. Sujit Singh @ Sujeet Singh Son Of Ramnath Singh Resident Of Village- Paharpur, Ps- Baikunthpur, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-05-2023 Learned counsel for the petitioners, at the outset, seeks permission to make rectification in the prayer portion of the anticipatory bail application.

Permission is accorded.

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 petitioner no.1 has antecedent of five cases, petitioner no.2 has antecedent of four cases and allegation is of recovery of 215 litres of spirit from a field.



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 even the alleged recovery is from a place which does not belong to the petitioners and they came to be implicated by the *Chowkidar*. Learned counsel submits that it appears that the *Chowkidar* in order to save the real culprits falsely implicated the petitioners 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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Baikunthpur P.S. Case No. 401 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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