

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35604 of 2023

Arising Out of PS. Case No.-263 Year-2022 Thana- MOTIPUR District- Muzaffarpur

1. ASHUTOSH NATH TRIPATHI @ ASHUTOSH SON OF RAMADHAR TRIPATHI RESIDENT OF VILLAGE- DHAURAHA NADWA BISHUNPUR , PS- KUSHINAGAR, DISTT- KUSHINAGAR, UP
2. RAMTAPASYA PANDEY SON OF RAJDHARI PANDEY RESIDENT OF VILLAGE- RAMKOLA PADARI DEORIA, PS- KUSHINAGAR, DISTT- KUSHINAGAR, UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-06-2023 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), 32(i)(ii), 36 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 72 liters of liquor from a Brezza Car and 1126.800 liters of liquor from a pick-up 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, it is next



submitted that they came to be implicated based on confessional statement of Sumit in police custody which does not have any evidentiary value, it is next submitted petitioners are not the owner of any of the seized vehicle.

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 Motipur P.S. Case No. 263 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

U		T	
---	--	---	--

