

Arising Out of PS. Case No.-606 Year-2022 Thana- GOPALPUR District- Bhagalpur

- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2023 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a)(c)(d) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners have antecedent of one case but inadvertently at paragraph 3 it has been pleaded that petitioners are persons with clean antecedent and allegation is of recovery 150 liters of liquor from the *vasa* of petitioner no. 1.

4. 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 confessional statement of Manoj Kumar Mandal in police custody which does not have any evidentiary value, it is next submitted that even the alleged recovery is from a place which is not within the confine of the house and is accessible to public at large.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. 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. 5,000/- (Rupees Five 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 Gopalpur (Rangra) P.S. Case No. 606 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. The defect as pointed out by the Office is removed.

(Satyavrat Verma, J)

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