

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46407 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- KHIRI MORE District- Patna

1. ABHITABH KUMAR @ AMITABH KUMAR @ AMITABH SAO Son of Rajendra Prasad Resident of village - Kadhekudha, P.S. - Paliganj, Distt. - Patna
2. Ajeet Kumar @ Ajeet Sao Son of Rajendra Prasad Resident of village - Kadhekudha, P.S. - Paliganj, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-07-2023 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 offence punishable under Section 30(d) of the Bihar Prohibition and Excise Amendment Act, 2016-18.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

4. Allegation is of recovery of 30.5 quintals of Mahua from the poultry farm of one Niraj Kumar and one Alto Car was also seized but not from the place of occurrence from where Mahua was seized.

5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and they came to be



implicated based on the confessional statement of Prakash Kumar in police custody which does not have any evidentiary value in the eye of law. It is further submitted that one of the petitioners is the owner of the Alto Car. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and hence would create evidence against himself and thus would get implicated easily. It is also submitted that petitioners were completely unaware that Prakash Kumar would misuse the vehicle in the manner as alleged and he was apprehended from the spot also.

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

7. 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.1,000/- (Rupees One 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 Khiri More P.S. Case No. 07 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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