

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39072 of 2023

Arising Out of PS. Case No.-276 Year-2023 Thana- SHEKHPURA District- Sheikhpura

1. PANKAJ RAM @ PANKAJ KUMAR Son of Khatas @ Prakash Ram
Resident of village - Bazidpur, P.S. and Distt. - Sheikhpura
2. Shatrudhan Ram @ Shatrudhan Kumar Son of Khatas @ Prakash Ram
Resident of village - Bazidpur, P.S. and Distt. - Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-06-2023 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 and 41 of the Bihar Excise Act.

Learned counsel for the petitioners submits that
the petitioner no. 1 has antecedent of one case and
petitioner no. 2 has antecedent of three cases and allegation
is of recovery of 120 liters of liquor from a motorcycle and
from two gallons kept near the motorcycle.

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 Chotu Manjhi in police custody which does not have any evidentiary value, it is further submitted that petitioner is not the owner of the motorcycle.

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. 15,000/- (Rupees Fifteen 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 Sheikhpura P.S. Case No. 276 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, the learned Trial Court before accepting the bail bonds of the petitioners shall verify whether the motorcycle belongs to any of the petitioners or not and in the event, if it is found that the motorcycle belongs to any



of the petitioners then in that event, the anticipatory bail
order shall not be given effect to.

(Satyavrat Verma, J)

GauravSinha/-

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