

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40408 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- MAKER District- Saran

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1. Sudhir Kumar S/O Kameshwar Singh R/O Village- Barewa Hasanpura, Ps. Maker, Dist. Saran
 2. Deepak Kumar S/O Harnath Thakur R/O Village- Ekderwa Masuriya, Ps. Maker, Dist. Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-07-2023 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 Section 30(a) 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 95.550 litres of liquor from an Alto car.

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 the confessional statement of co-accused



in police custody which does not have any evidentiary value, it is further submitted that the petitioners are not the owners of the alleged seized vehicle.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that though the learned counsel for the petitioners have submitted that the petitioners are not the owners of the alleged seized vehicle but then there is no pleading in that regard in the anticipatory bail application.

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 Maker P.S. Case No. 45 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 the ownership of the vehicle and in the event, if it is found that the vehicle is



registered in the name of any of the petitioners then the present
anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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