

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36912 of 2023

Arising Out of PS. Case No.-36 Year-2000 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

Binod Kumar Soni @ Vinod Kumar Soni @ Binod Prasad Son Of Laxmi
Narayan Resident Of Village- Puab Mohalla, Mill Raod, Mirganj, Ps-
Mirganj, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43218 of 2023

Arising Out of PS. Case No.-36 Year-2000 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

1. Surendra Ray @ Surendra Kumar Son Of Lazan Ray R/O Village -
Araniyan, P.S. - Jandaha, Distt. - Vaishali
2. Dinesh Sharma Son Of Kishun Charan Sharma R/O Village - Chand Sarai,
P.S. - Jandaha, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36912 of 2023)

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Tapeshwar Sharma

(In CRIMINAL MISCELLANEOUS No. 43218 of 2023)

For the Petitioner/s : Mr.Mrityunjay Kumar

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-08-2023 As both these bail applications have cropped up from

the same police station case number, hence, with consent of

parties, they are being heard together and disposed of by this

common order.

2. Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.



3. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 47(a) of the Bihar Excise Act.

4. As per FIR, 11,600 liters of Spirit has been recovered from the Truck.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that neither the petitioner is driver nor owner of the said vehicle. He submits that the seizure list was not made in accordance with law and thus its violation of Section 100 (6) of the Cr.P.C. He submits that petitioners have no knowledge and information about implications of their respective names in the present case. He submits that the learned court below took cognizance against the petitioners on 20.09.2020, and after getting the knowledge about the case, they moved before this Court for bail. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

6. Learned APP for the State opposing the prayer for bail submits that the FIR had lodged against the petitioners in the year 2000 but anticipatory bail application has been by them in the year 2023.

7. Considering the facts and circumstances of the



case, I am not inclined to enlarge the petitioners on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Excise Case No. C-III-36 of 2000.

8. However, if the petitioners surrender before the learned court below within a period of six weeks from today and pray for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order considering the fact that the petitioners have no criminal antecedent.

(Anjani Kumar Sharan, J)

devendra/-

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

