

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43343 of 2023

Arising Out of PS. Case No.-6 Year-2021 Thana- BAGENGOLA District- Buxar

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1. NAGINA PRASAD @ NAGINA MALLAH S/O LATE RAM BILASH KEVAT R/O VILLAGE- NONIYAPUR (SONWA), PS. KRISHANBRAHM, DIST. BUXAR
 2. MAJAY PRASAD @ MANJAY MALLAH S/O SHIVMUNI PRASAD R/O VILLAGE- NONIYAPUR (SONWA), PS. KRISHANBRAHM, DIST. BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-07-2023 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 Sections 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 300 liters of liquor from a Maruti Suzuki car and one motorcycle was also seized.

Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession, it is next



submitted that they came to be implicated based on the confessional statement of co-accused, Krishna Paswan, in police custody which does not have any evidentiary value, it is further submitted that petitioners are not the owner of the seized vehicle.

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. 1,000/- (Rupees One 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 Bagen Gola P.S. Case No. 06 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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