

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47799 of 2023

Arising Out of PS. Case No.-447 Year-2023 Thana- DANAPUR District- Patna

1. RAKESH KUMAR S/O SHANKAR RAY @ SHANKAR PRASAD
RESIDENT OF CHITRAKUT NAGAR, NASRIGANJ, P.O.- DIGHA, P.S.-
DANAPUR, DISTRICT- PATNA, BIHAR- 800012.
2. GANGA KUMAR S/O LATE PRADUMAN RAY RESIDENT OF
CHITRAKUT NAGAR, ROAD NO. 11/B, P.O. DIGHA, P.S.- DANAPUR,
DISTRICT- PATNA, BIHAR- 800012

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Apurv Harsh, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 27-07-2023 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(a) of the
Bihar Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioners submits that
petitioners have antecedent of two cases.
4. Allegation is of recovery of 40.575 litres of liquor
from an asbestos house made on the land of Shivnath Rai.
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 Suman Kumar in police custody which does not have any evidentiary value in the eye of law. It is further submitted that even the alleged recovery is from a place which does not belong to the petitioners.

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.10,000/- (Rupees Ten 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 Danapur P.S. Case No. 447 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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