

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47344 of 2023

Arising Out of PS. Case No.-73 Year-2023 Thana- KISHANPUR District- Supaul

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1. Shailendra Yadav @ Shailendra Kumar, Son of Chandeshwari Yadav, Resident of Village- Parikonch, Ps- Marauna, Distt- Supaul
 2. Sattan Sah @ Sattan Kumar Sah Son of Ram Dev Sah, Resident Of Village- Ashanpur Kupha, Parsa Madho, Ward No. 01, P.S.- Kishanpur, Distt- Supaul
- Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate
For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Kishanpur P.S. Case No.- 73 of 2023 registered for the offences punishable under Sections 420, 467, 468, 471, 120(B) of Indian Penal Code and 30(a)/32/41 of Bihar Prohibition and Excise Act. They have got no criminal antecedent.

3. As per the prosecution story, on 25.03.2023 the police received secret information that liquor in huge quantity is being unloaded from a bus near Tole Plaza at N.H.- 57 at 04:00 A.M. When the police reached there all the persons tried to flee but the police caught one person. The apprehended person



disclosed his name as Chitranjan Kumar and also disclosed the name of his associates as Kailu Yadav, Satan Sah (petitioner no. 2), Shailendra Yadav (petitioner no. 1), Surendra Yadav, Sunder Kumar. The police recovered 1637.415 litres of foreign liquor in this case.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners have no concern with the alleged recovery. They were not present when the bus was intercepted.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the submission that no recovery has been made from possession of these two petitioners, they were not present on the spot when the bus was intercepted, name of the petitioners has come in the confessional statement of the co-accused, they have otherwise no criminal antecedent, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Kishanpur P.S. Case No. 73 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each



to the satisfaction of learned Exclusive Special Judge, Excise Court No. 1, Supaul, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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