

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48918 of 2023**

Arising Out of PS. Case No.-230 Year-2023 Thana- SAHEBGANJ District- Muzaffarpur

1. RAVI KUMAR SON OF SUKESHWAR SAH VILLAGE ASHAPATTI PARSAUNI @ ASHAPATTI PARASAUN, PS- SAHEBGANJ, DIST- MUZAFFARPUR
2. UPENDRA KUMAR SON OF SUKESHWAR SAH VILLAGE ASHAPATTI PARSAUNI @ ASHAPATTI PARASAUN, PS- SAHEBGANJ, DIST- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 28-07-2023 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 offences punishable under Sections 272, 273 and 34 of the Indian Penal Code and under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 16.200 liters of liquor from the house of Ravi Kumar and petitioner and further 1.080 liters of liquor from the house of Md. Zakir Hussain.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was



recovered from their conscious possession and even the alleged recovery is from a house which is a joint family property, as such, it cannot be alleged with certainty that it were the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge, when admittedly petitioners are persons with clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. 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 Sahebganj P.S. Case No. 230 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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