

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49041 of 2023

Arising Out of PS. Case No.-416 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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1. ARBIND RAI @ ARVIND RAI S/O Banas Rai R/O Village- Sukumarpur, P.S- Raghapur (Rustampur O.P.), Distt.- Vaishali.
 2. Sanjay Ray S/O Punit Rai R/O Village- Jahangirpur, P.S- Raghapur (Rustampur O.P.), Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-07-2023 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 30(a)(b)(c) of the Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case and petitioner no. 2 is a person with clean antecedent.

4. Allegation is of recovery of 200 litres of liquor and 1200 litres of fermented jaggery from the bank of River Ganga.

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 co-accused Tuntun Rai and Santosh Rai in police custody which does not have any evidentiary value in the eye of law and even the alleged recovery is from a place which is accessible to public at large.

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.5,000/- (Rupees Five 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 Hajipur Excise Case No. 416 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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