

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49599 of 2023

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

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1. AMIT KUMAR @ GOLU S/O SRI RAMPUKAR SINGH R/O VILLAGE-BINDGAWA, POST OFFICE- BANDHUCHHPRA, KOILWAR, DIST. BHOJPUR. AT PRESENT ADDRESS- C. D.- 72, POLICE COLONY, PS. GARDANIBAGH, DIST. PATNA
 2. SAHIL KUMAR S/O SRI RAM PUKAR SINGH R/O VILLAGE-BINDGAWA, POST OFFICE- BANDHUCHHPRA, KOILWAR, DIST. BHOJPUR. AT PRESENT ADDRESS- C. D.- 72, POLICE COLONY, PS. GARDANIBAGH, DIST. PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Jee

For the Opposite Party/s : Mr. Syed Mojibur Rahman

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 341, 323, 353 and 34 of the Indian Penal Code and Sections 30(a) and 36 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 5.250 liters of liquor from a bag from D-Sector of police colony.

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



was recovered from their conscious possession and they came to be implicated by the nearby people but then the FIR does not disclose the name of the person who disclosed the name of the petitioners which cast an aspersion on the case of the prosecution, it is next submitted that even alleged recovery is from a place which is accessible to public at large.

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 Gardanibagh 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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