

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50257 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- SALAIYA District- Aurangabad

1. Dhanoj Yadav @ Dhanoj Kumar Dharma S/O Late Mungeshwar Yadav R/O Gajraj Bigha, P.S- Salaiya, Distt.- Aurangabad.
2. Raju Choudhary S/O Karishna Choudhary R/O Village- Gajraj Bigha, P.S- Salaiya, Distt.- Aurangabad.
3. Upendra Choudhary S/O Lakshaman Chaudhari @ Lakshuman Choudhary R/O Gajraj Bigha, P.S- Salaiya, Distt.- Aurangabad.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupa Kumari
For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-08-2023 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.
3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of two cases and petitioner nos.2 and 3 have antecedent of one case and the allegation is of recovery of 25 litres of liquor from the Chalho Hill.
4. The 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 confessional statement of Satendra Yadav in police custody, which does not have any evidentiary value. It is next submitted that it appears that police got them implicated because of their antecedent through Satyendra Yadav. It is also submitted that even the alleged recovery is from a place, which is accessible to public at large.

5. Learned A.P.P. opposes the bail application.

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 Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.1st, Aurangabad in connection with Salaiya P. S. Case No.22 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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