

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51287 of 2023

Arising Out of PS. Case No.-169 Year-2023 Thana- BANIAPUR District- Saran

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1. SONU KUMAR GIRI SON OF KEDAR GIRI RESIDENT OF VILLAGE - PUCHARI, POLICE STATION - BANIYAPUR, DISTRICT - SARAN
 2. DEEPMALA SAH SON OF BRIJKISHORE SAH RESIDENT OF VILLAGE - PUCHARI, POLICE STATION - BANIYAPUR, DISTRICT - SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 1.

3. Permission is accorded.

4. The petitioner apprehend his arrest in a case registered for the offences punishable under Sections 30(a), 41 (i) of the Bihar Excise Act.

5. Learned counsel for the petitioner submits that the petitioner has criminal antecedent of three cases and



allegation is of recovery of 900 ml of liquor from a *Splender plus* motorcycle and 10 liters of liquor from the asbestos of the petitioner.

6. Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and he came to be implicated at the instance of *chowkidar* and also on the basis of secret information. It is further submitted that the petitioner is not the owner of the motorcycle and has got no concern with the alleged asbestos shop. It is further submitted that in a mechanical manner that the petitioner came to implicated at the instance of *chowkidar*.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner no. 2 above-named, in the event of his 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. 15,000/- (Rupees Fifteen Thousand) with two



sureties of the like amount to the satisfaction of the learned court below/successor court, where the case is pending/successor court in connection with Baniyapur P.S. Case No. 169 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Jyoti/Rishabh

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