

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50187 of 2023

Arising Out of PS. Case No.-111 Year-2023 Thana- CHAKIA District- East Champaran

1. MOHAMMAD SHAMSHAD @ MD. SADDAM SON OF MOHAMMAD NEYAJU @ PIYAJU MIYAN RESIDENT OF OFFICER COLONY WARD NO.10, P.S. - CHAKIA, DISTRICT - EAST CHAMPARAN
2. ANIL KUMAR SON OF LATE TUNNA SAH RESIDENT OF SAHEBGANJ ROAD BARA BAZAR, P.S. - CHAKIA, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Narayan Singh, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-08-2023 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 offence punishable 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 137 liters of beer from the cartoon found in the field of Ganesh Sah.
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, it is next



submitted that they came to be implicated at the instance of Chowkidar with whom they are on an inimical term when admittedly petitioners are persons with clean antecedent, it is further submitted that petitioners are not the owners of the field from where the alleged recovery is made.

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 Chakia P.S. Case No. 111 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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