

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51904 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- KARJA District- Muzaffarpur

1. Bharat Chaudhary S/O Dharohar Chaudhary R/O Village- Pakari Pakohi, P.S- Karja, Distt.- Muzaffarpur.
2. Arvind Kumar S/O Kamleshver Ram @ Kamleshwar Ram R/O Village- Pakari Pakohi, P.S- Karja, Distt.- Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 16-08-2023 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 Sections 30(a)/36/41(2) of the Excise Act.
3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the allegation is of recovery of 2590.485 litres of liquor from nine vehicles as detailed in the F.I.R.
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 at the instance of villagers, but then, the F.I.R. does not



disclose the name of the villager, who disclosed the name of the petitioners, which cast an aspersion on the case of the prosecution. It is further submitted that petitioners are not the owners of any of the seized vehicles and it appears that police in order to save the real culprit falsely implicated the petitioners by alleging that their name were disclosed by the villagers, when admittedly, petitioners are persons with clean antecedent.

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. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.II, Muzaffarpur in connection with Karja P. S. Case No.178 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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