

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51436 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- KAKO District- Jehanabad

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1. DIPU YADAV SON OF KRISHNA YADAV VILLAGE BARA TOLA KOTHIYA P.S.KAKO, BHELAWAR O.P. DISTRICT JEHANABAD
 2. KAPIL YADAV SON OF RAMJI YADAV RESIDENT OF VILLAGE- BARA TOLA KOTHIYA, PS- KAKO (BHELAWAR OP.), DIST- JEHANABAD
 3. SIYASHARAN YADAV SON OF LATE KANHAI YADAV RESIDENT OF VILLAGE- BARA PS- KAKO (BHELAWAR OP.), DIST- JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, 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. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30 (a) and 30 (d) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 30 liters of liquor from the bush near the bank of a river.

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 on the basis of confessional statement of Manish Yadav and Kirtan Yadav in police custody which does not have any evidentiary value when, petitioners admittedly are persons with clean antecedent.

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 to the satisfaction of the learned Special Judge, Excise- I, Jehanabad, where the case is pending/successor court in connection with Kako (Bhelawar O.P.) P.S. Case No. 197 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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