

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52433 of 2023

Arising Out of PS. Case No.-115 Year-2023 Thana- PAKRIDAYAL District- East Champaran

1. GOPAL DAS @ GOPAL son of Ram Dayal Das Village- Champapur Ps- Patahi Dist- East Champaran
2. Ram Pravesh Paswan son of Chandeshwar Paswan R/V- Shekhpurwa Parsauni Kapoor/Champapur Ps- Patahi Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-08-2023 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 and Sections 272, 273 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 1055.145 liters of liquor from an unregistered Scorpio vehicle and from an asbestos house.

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 based on confessional statement of Gandhi Rai in police custody which does not have any evidentiary value. The learned counsel next submits that petitioner is not the owner of the seized Scorpio vehicle.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that though it has been submitted that petitioner is not the owner of the seized vehicle but then no pleading to that effect with clarity has been made in the anticipatory 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 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 Pakridayal P.S. Case No. 115 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial Court before accepting the bail bonds of the petitioner shall verify the ownership of the



seized Scorpio vehicle and in case, if it is found that any one of the petitioners is the owner of the alleged vehicle in that event, the present anticipatory bail order shall not be given effect to in favour of any of the petitioners.

(Satyavrat Verma, J)

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