

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51881 of 2023

Arising Out of PS. Case No.-383 Year-2023 Thana- MAHUA District- Vaishali

1. AKHILESH PASWAN SON OF RAMVILASH PASWAN RESIDENT OF VILLAGE- CHAKUMAR, PS- MAHUA, DIST- VAISHALI
2. VISHANT KUMAR @ TUFANI SON OF SHIV CHANDRA RAY RESIDENT OF VILLAGE- ABUCHAK, PS- MAHUA, DIST- VAISHALI
3. DEV CHANDRA CHOUDHARY SON OF ANANDI CHOUDHARY RESIDENT OF VILLAGE- CHANDSARAI BISHUNPATTI, PS- JANDAHA, DIST- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, 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 offences punishable under Sections 272, 273, 420, 467, 120(b)/34 of the Indian Penal Code and Sections 30(a), 32(ii),(iii), 36 and 41(i)(ii) of the Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

4. Allegation is of recovery of 2505.6 litres of liquor from a truck.

5. 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 the Chawkidar. It is further submitted that it appears that the Chawkidar in order to save the real culprits falsely implicated the petitioners when petitioners admittedly are persons with clean antecedent and are not the owner of the seized truck.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. 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 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 court below where the case is pending/successor court in connection with Mahua P.S. Case No. 383 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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