

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53369 of 2023

Arising Out of PS. Case No.-328 Year-2023 Thana- TAJPUR District- Samastipur

1. Surendra Das Son Of Yogehwar Das Resident Of Village- Motipur, Tajpur, Ps- Tajpur, Dist- Samastipur
2. Birendra Kumar @ Bipin Kumar Son Of Sajjan Das Resident Of Village- Motipur, Tajpur, Ps- Tajpur, Dist- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-08-2023 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), 41(1), 32(1), 32(2), 36 of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of two cases and petitioner no.2 has antecedent of one case and the allegation is of recovery of 1386 litres of liquor from a truck.

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 based on confessional statement of Dharmendra Kumar in police custody, which does not have any evidentiary value. It is also submitted that police falsely got the petitioners implicated through Dharmendra Kumar because of their antecedent, when admittedly, petitioners are not owner of the seized truck.

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. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-02, Samastipur in connection with Tajpur (Halsi O.P.) P. S. Case No.328 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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