

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56039 of 2023

Arising Out of PS. Case No.-305 Year-2023 Thana- BHORE District- Gopalganj

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1. Dhananjay Gond, S/O- Late Shiv Dayal Gond Village- Khajuraha Mishra Ps- Bhore Dist- Gopalganj
 2. Mantu Yadav, Son Of Bachhan Choudhary Village- Dhurbantariya Ps- Bhore Dist- Gopalganj
 3. Manjesh Yadav @ Manjesh Kumar Yadav, Son Of Indal Yadav Village- Sansar Bantariya Ps- Bhore Dist- Gopalganj

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra- Advocate
For the Opposite Party/s : Mr. Rajesh Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-08-2023 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) of Excise Act and Section 414/ 34 of I.P.C.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case and petitioner nos.2 and 3 are persons with clean antecedent and the allegation is of recovery of 48 litres of beer from a motorcycle and 36 litres of liquor from another motorcycle.

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 Rakesh Yadav in police custody, which does not have any evidentiary value. It is next submitted that petitioners are not the owner of the seized vehicles.

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. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II-cum-Special Excise Court No.1, Gopalganj in connection with Bhore P. S. Case No.305 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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