

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57040 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- PAROO District- Muzaffarpur

1. Kamlesh Kumar Singh @ Chhapan Singh @ Kamlesh Singh, S/O Late Gagan Deo Singh, R/O Village- Mohjama, P.S- Paroo, Distt.- Muzafarpur.
2. Ashok Bhagat, S/O Hulash Bhagat, R/O Village- Mohjama, P.S- Paroo, Distt.- Muzafarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Paroo P.S. Case No. 46 of 2023 registered for the offences punishable under Sections 30 (a), 32 (ii) (iii), 36, 41 (i) (ii) of the Bihar Prohibition & Excise Act & Sections 467, 468, 471, 120 (B) of the Indian Penal Code.

3. Allegation against the petitioners is that they have involved in business of illicit liquor. There is recovery of 1261.35 litres of illicit foreign liquor from the seized vehicles.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this



case because of one criminal antecedent. They have made accused in this case only on the basis of the disclosure made by the apprehended person namely Sanjeet Kumar from the spot. Petitioners are neither the owner nor driver of seized vehicles and except the said disclosure made by the co-accused there is no material against the petitioner. There is no requirement of any custodial interrogation of the petitioners. He further submits that similarly situated co-accused persons namely Sumant Patel and Rishuraj Kumar @ Rishu Raj Kumar @ Rishu Kumar have already been granted anticipatory bail by coordinate Benches of this Court vide order dated 16.05.2023 and 26.07.2023 passed in Cr. Misc. No. 26349 of 2023 and Cr. Misc. No. 36111 of 2023 respectively.

5. Learned APP opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of



the concerned Court where the case is pending in connection with Paroo P.S. Case No. 46 of 2023, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure as well as following conditions:

(a) Petitioners shall cooperate with the investigation and make himself available for interrogation, whenever required;

(b) Petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(Sunil Dutta Mishra, J)

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