

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6854 of 2024

Arising Out of PS. Case No.-752 Year-2023 Thana- SITAMARHI District- Sitamarhi

1. INDAL KUMAR SON OF AWADH MAHTO RESIDENT OF VILLAGE - BHASHAR CHAWK, WARD NO.1, P.S. - SITAMARHI, DISTRICT - SITAMARHI
2. GANGA VISHNU KUMAR SON OF RAM EKBAL SINGH RESIDENT OF VILLAGE - BHASHAR RAMNA TOLA, WARD NO.8, P.S. AND DISTRICT - SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar
For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-02-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Sitamarhi P.S. Case No.752/2023 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of one case and petitioner no.2 is a person with clean antecedent and allegation is of recovery of 558 litres of liquor from the bamboo orchard of Ram Shrestha Mahto. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their



conscious possession and the alleged orchard also does not belong to the petitioner and they came to be implicated based on the confessional statement of co-accused Uday Kumar in police custody, which does not have any evidentiary value in the eye of law.

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

5. 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.5000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court II, Sitamarhi in connection with Sitamarhi P.S. Case No.752/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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