

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8387 of 2024

Arising Out of PS. Case No.-570 Year-2023 Thana- TAJPUR District- Samastipur

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1. Jitendra Kumar @ Jitendra @ Jitu Son of Bindeshwar Singh R/o vill - Morsand, P.S. - Pusa, Distt. - Samastipur
 2. Niteen Kumar @ Nitin Kumar Son of Rajan Mahto R/o vill - Morsand, P.S. - Pusa, Distt. - Samastipur
 3. Mukesh Kumar @ Sukesh Kumar Son of Chhedi Lal R/o vill - Morsand, P.S. - Pusa, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

For the Opposite Party/s : Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-02-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 2 (Niteen Kumar).

3. Permission is accorded.

4. The petitioner nos. 1 and 3 apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

5. Learned counsel for the petitioners submits that the petitioners have antecedent of one case each and allegation is of recovery of 2514.200 liters of liquor from a truck.

6. Learned counsel for the petitioners submits that the



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 co-accused in police custody which does not have any evidentiary value. It is also submitted that they are neither the owner nor the driver of the vehicle.

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

8. Considering the submissions made by the learned counsel for the petitioners, the **petitioner nos. 1 and 3**, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Tajpur (Waini O.P.) P.S. Case No. 570 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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