

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10379 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- KARPURIGRAM District- Samastipur

1. Vivek Kumar son of Devendra Ray resident of Village- Jitwarpur Chauth W.No-14, PS- Samastipur Muffasil Dist- Samastipur
2. Nitish Kumar Nirala son of Ramsundar Ray R/o- Hakimabad PS - Samastipur Muffasil Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 29-02-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a), 32, 36 and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case.

4. Allegation is of recovery of 1666.8 litres of liquor from five different vehicles as detailed in the FIR.

5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and are not the owner



of any of the seized vehicles and they came to be implicated based on the disclosure made by the Chawkidar with whom they are on an inimical term. It is further submitted that it is seen that in majority of the cases accused are being implicated based on disclosure made by the Chawkidar which amply demonstrates that the implication is mechanical.

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

7. 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.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Karpurigram P.S. Case No. 130 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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