

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10361 of 2024

Arising Out of PS. Case No.-227 Year-2022 Thana- DARIYAPUR District- Saran

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1. Nitesh Kumar S/o Sanjay Ray @ Sanjay Kumar R/o Shahpur Diyar, P.S. - Sonpur, Dist. - Saran at Chapra
 2. Tuntun @ Baba S/o Shankar Chaudhary R/o Shahpur Diyar, P.S. - Sonpur, Dist. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, 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 272, 273 and 120(B) of the Indian Penal Code and Sections 30(a) and 33 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

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.

4. Allegation is of recovery of 1125 litres of liquor from a truck and 665.28 litres of liquor from a pick-up van.

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 they are not the owner of the seized vehicles and they came to be implicated based on the confessional statement of co-accused in police custody which does not have any evidentiary value in the eye of law.

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 Dariyapur P.S. Case No. 227 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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