

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13322 of 2024

Arising Out of PS. Case No.-423 Year-2023 Thana- KALYANPUR District- East Champaran

1. Shailendra Kumar @ Shailendra Yadav, Son of Chabila Yadav Resident of Village- Kadhan, P.S.- Kesariya, District- East Champaran
2. Suraj Yadav @ Suraj Kumar Yadav, Son of Upendra Rai @ Upendra Yadav Resident of Village- Chaube Tola, P.S.- Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-03-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 414 and 34 of the I.P.C. and Sections 30(a), 32(2), 32(3), 36, 41(1) and 41(2) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the allegation is of recovery of 1379.7 litres of liquor from a truck.

4. The 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 neither the



owner, nor the driver of the seized truck and they came to be implicated based on confessional statement of apprehended accused in police custody, which does not have any evidentiary value, when admittedly petitioners are persons with clean antecedent.

5. Learned A.P.P. opposes the bail application.

6. 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, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.3, Motihari, East Champaran in connection with Kalyanpur P. S. Case No.423 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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