

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13456 of 2024

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

1.

Upendra Rai @ Upendra Yadav Son of Late Ramdhar Rai @ Late Ramadhar Yadav R/o Village- Chaube Tola, P.S.- Kotwa, Dist.- East Champaran.
2.

Upendra Yadav @ Upendra Prasad Yadav Son of Langtu Rai @ Babulal Rai Resident of village- Kadhan, P.S.- Kesariya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Adv.
For the State	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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06-03-2024

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 414 and 34 of the Indian Penal Code and Sections 30(a), 32(2), 32(3), 36, 41(1) and 41(2) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 1379.7 liters of liquor from a Truck.

4. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and they are not



the owner of the seized vehicle and they came to be implicated on the basis of confessional statement of apprehended accused in police custody, which has got no evidentiary value in the eyes of law.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) each with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kalyanpur P.S. Case No. 423 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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