

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13985 of 2024

Arising Out of PS. Case No.-166 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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1. Kanhaiya Kumar @ Vishal Kumar Son of Navin Singh Resident of Village- Babhangama, P.S.- Birpur, District- Begusarai
 2. Gaurav Kumar Son of Navin singh Resident of Village- Babhangama, P.S.- Birpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhusan Poddar
For the Opposite Party/s : Mr.Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-03-2024 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 Section 30(a) of the
Bihar Excise Act.

3. Learned counsel for the petitioners submits that the
petitioners are person with clean antecedent and allegation is of
recovery of 223.380 litres of liquor from the field of petitioners.

4. Learned counsel for the petitioners submits that the
petitioners were not arrested from the spot as such nothing was
recovered from their conscious possession. It is next submitted
that no prudent person would use his field for committing an
occurrence and thus would create evidence against himself and
hence would get implicated. It is further submitted that field is



an open space and is accessible to villagers at large. It is also submitted that it appears that someone inimical to the petitioners used their field for committing the act with a view to implicate them. It is further submitted that they came to be implicated based on secret information which is the easiest way to implicate someone.

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

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 each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Excise Complaint Case No. 166C2 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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