

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21976 of 2024

Arising Out of PS. Case No.-653 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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1. Manish Kumar S/O- Rajendra Prasad R/O- Village- Damchhu Kodar, P.S.- Lakri Nabiganj, Dist.- Siwan.
 2. Tej Prakash Gupta @ Tej Pratap Gupta S/O- Late Baidhnath Sah R/O- Village- Damchhu Kodar, P.S.- Lakri Nabiganj, Dist.- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-03-2024 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 offence punishable under Sections 30(a), 30(c), 30(f), 33, 34(b) and 41(i) of Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 1000 litres of spirit from a Bolero pick-up vehicle. It is next submitted 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



vehicle and they came to be implicated based on confessional statement of Guddu in police custody, which does not have any evidentiary value, when petitioners admittedly are persons with clean antecedent.

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

5. 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.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 Town P.S. Case No.653/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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