

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23795 of 2024

Arising Out of PS. Case No.-316 Year-2022 Thana- SONEPUR District- Saran

1. Shyambihari Rai @ Shyam Bihari Son of Late Hari Rai R/o Village- Baburbani, P.S.- Sonepur, District- Saran
2. Saroj Rai @ Saroj Kumar Son of Junavi Rai R/o Village- Chhitarchak, P.S.- Sonepur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas

For the Opposite Party/s : Ms.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-04-2024 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) and 41(i) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioner No. 1 has antecedent of one case and petitioner No. 2 is a person with clean antecedent and allegation is of recovery of 300 litres of liquor from bank of Ganga river.

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 and even alleged



recovery is from a place which is accessible to public at large and does not belong to the petitioners. It is next submitted that they came to be implicated based on confessional statement of Chotu Kumar in police custody which does not have any evidentiary value.

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. 5,000/- (Rupees Five Thousand) 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 Sonapur P.S. Case No. 316 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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