

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36697 of 2024

Arising Out of PS. Case No.-335 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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1. Pappu Sah S/o Vishundev Sah R/o vill - Lalpur, ward no. 01, P.S. - Singheshwar, Distt. - Madhepura
 2. Lalo Kumar S/o Vishundev Sah R/o vill - Lalpur, ward no. 01, P.S. - Singheshwar, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr.Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-06-2024 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 Section 30(a) 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 12 litres of liquor from a place near Singheshwar, Ward No.3.

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 they came to be



implicated based on confessional statement of apprehended accused in police custody, which does not have any evidentiary value. It is next submitted that Bharti Devi, who was apprehended, is wife of petitioner no.1 and thus, it appears that under coercion she was made to confess about the role of her husband, when admittedly petitioner is a person 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 ten 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 Additional Sessions Judge-VII-cum- Special Judge Excise Court No.2, Madhepura in connection with Madhepura Excise P. S. Case No.335 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioners shall verify the



criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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