

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40891 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- ARA MUFFSIL District- Bhojpur

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1. Aramila Devi W/o Late Bijay Yadav R/o Village-Hematpur P.s.-Ara Mufassil (Dhobaina OP) District- Bhojpur
 3. Haribadan Yadav @ Haribhajan Kumar Yadav S/o Late Bijay Yadav R/o Village-Hematpur P.s.-Ara Mufassil (Dhobaina OP) District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-07-2024 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 persons with clean antecedent and petitioner no.1 is a woman and allegation is of recovery of 6.3 liters of liquor from a motorcycle.
4. Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and petitioner



no.1 came to be implicated based on the fact that she is owner of the seized motorcycle. It is next submitted that no prudent person would use her own vehicle for committing an occurrence and thus would create evidence against herself and hence would get implicated. It is also submitted that petitioner no.1 was completely unaware that the motorcycle would be misused by Raushan Singh who was also apprehended from the spot and based on his confession petitioner no.1 came to be implicated. It is further submitted that confessional statement of co-accused 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. 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 P.S. Case No. Ara Mufassil (Dhobaha O.P.) P.S. Case No. 57 of 2024 subject to the conditions as laid down under Section 438 (2) of



the Cr.P.C.

7. However, it is made clear 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 order shall not be given effect to.

(Satyavrat Verma, J)

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