

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55171 of 2024

Arising Out of PS. Case No.-91 Year-2024 Thana- NEMDARGANJ District- Nawada

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1. NAVIN KUMAR SON OF BALMIKI YADAV RESIDENT OF VILLAGE - SUNDARA, P.S. - ROH, DISTRICT - NAWADA
 2. DIPU MALAKAR @ DIPU KUMAR SON OF PAPPU MALAKAR RESIDENT OF VILLAGE - BARULI, P.S. - NEMDARGANJ, DISTRICT - NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar
For the Opposite Party/s : Ms. Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-08-2024 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 Sections 30(a)(d) and 41 of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that inadvertently at Para-3 it has been pleaded that petitioner no. 1 has antecedent of two cases when he is a person with clean antecedent and about petitioner no. 2 it has been pleaded that petitioner no. 2 is a person with clean antecedent when he has antecedent of two cases. It is also submitted that allegation is of recovery of 100 liters of liquor along with 1000 liters of fermented Jawa Mahua from side wall of boring room of Harkhu Yadav.



4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even the alleged recovery is from a place which does not belong to the petitioners and they came to be implicated at the instance of *Chowkidar* with whom they are on an inimical term.

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. 10,000/- (Rupees Ten 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 Nemdarganj P.S. Case No. 91 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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