

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74317 of 2023

Arising Out of PS. Case No.-124 Year-2017 Thana- KARAHGAR District- Rohtas

1. Deepak Kumar, Son Of Jagdish Sah Resident Of Village- Mujradh, Police Station -Nokha, District -Rohtas
2. Pintu Kumar Sah, Son Of Baduri Sah Resident Of Village- Parsathua, Ps-Kochas, Dist- Rohtas

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashikant

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-02-2024 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 Sections 30(a) and 35 of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners have antecedent of one case and the allegation is of recovery of 1036.8 litres of liquor from the side of a canal.

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 even alleged recovery is from a place, which is accessible to public at large



and the petitioners came to be implicated in the confessional statement of Chandan Kumar in police custody, which does not have any evidentiary value.

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 six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram in connection with Kargahar P. S. Case No.124 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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