

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71101 of 2024

Arising Out of PS. Case No.-301 Year-2024 Thana- DARAUNDA District- Siwan

1. Golu Pasi, aged about 25 years, Gender-Male, Son of Sri Bhagwan Pasi @ Shree Bhagavan Pasi, Resident of Village - Bagaura, Pasi Tola, P.S. - Daraunda, District – Siwan.
2. Bholu Pasi, aged about 23 years, Gender-Male, Son of Sri Bhagwan Pasi @ Shree Bhagavan Pasi, Resident of Village - Bagaura, Pasi Tola, P.S. - Daraunda, District – Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Bijay Prakash Singh, Advocate
For the Opposite Party	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Daraunda P.S. Case No. 301 of 2024 dated 10.07.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 128.400 litres of illicit country made liquor was recovered from the Tempo in question.

4. Learned counsel for the petitioners has submitted



that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that the Tempo in question from which the alleged liquor was recovered does not belong to the petitioners. No incriminating article has been recovered from their possession. It is further submitted that the petitioners have no concern with the alleged offence. It is further submitted that the name of the petitioners has come in the present case only on the basis of the confessional statement of the apprehended co-accused person Umesh Sah which has got no evidentiary value in the eye of law. There is no compliance of Section 100 of the Cr.P.C. It is further submitted that the other co-accused person Umesh Sah has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 56077 of 2024 under order dated 06.08.2024. The petitioners have clean criminal antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs.



20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special, Excise Court No.-1, Siwan in connection with Daraunda P.S. Case No. 301 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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