

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70051 of 2024**

Arising Out of PS. Case No.-116 Year-2024 Thana- ASHOK PAPER MILL District-
Darbhanga

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1. Sanjay Sah S/O Vaso Sah R/O Village-Balha, P. S. Ashok Paper Mill (A. P. M), District - Darbhanga
 2. Raushan Paswan S/O Tirschha Paswan @ Ramkrit Paswan R/O Village-Balha, P. S. Ashok Paper Mill (A. P. M), District - Darbhanga
 3. Gopal Pandey S/O Chandeshwar Pandey R/O Village-Sivai Singhpur, P. S. Ashok Paper Mill (A. P. M), District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishor Prasad
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 27-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. Learned counsel for the petitioner seeks permission to withdraw the anticipatory bail application with respect to petitioner No. 3, Gopal Pandey, as he has been arrested.
3. Permission is accorded.
4. Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to petitioner No. 3.
5. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the



Bihar Excise Act.

6. Learned counsel for the petitioners submits that the petitioner No. 1 is person with clean antecedent, while petitioner No. 2 has antecedent of one case and allegation is of recovery of 1188.75 litres of liquor from the house of Jitendra Sahni.

7. Learned counsel for the petitioners submits that the 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 does not belong to the petitioners and they came to be implicated based on confessional statement of Jitendra in police custody which does not have any evidentiary value.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

9. Considering the submissions made by the learned counsel for the petitioners, the petitioner Nos. 1 and 2, 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. 5,000/- (Rupees Five 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



Ashok Paper Mill (APM) P.S. Case No. 116 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. It is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedents of the petitioners and in the event if it is found that the petitioner No. 1 has antecedent of even one case and petitioner No. 2 has antecedent of more than one case, in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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