

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73121 of 2023

Arising Out of PS. Case No.-295 Year-2023 Thana- BISFI District- Madhubani

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1. ASHOK RAM SON OF LATE DHYANI RAM R/O VILLAGE- DAMLA,
P.S.- BISFI PATAUNA, DISTRICT- MADHUBANI
 2. SANJAY RAM SON OF LATE DHYANI RAM R/O VILLAGE- DAMLA,
P.S.- BISFI PATAUNA, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 20-02-2024 1. Heard learned counsel for the petitioners and learned

A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Bisfi (Patauna) P.S. Case No.295/2023 dated 03.08.2023 registered for the offence punishable under Sections 272, 273 and 34 of the I.P.C. and Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of one case and the petitioner no.2 is a person with clean antecedent. An allegation is of recovery of 5.4 litres of liquor, which was concealed inside a bush. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession. It is further submitted that the alleged recovery is from a place which is



accessible to public at large and does not belong to the petitioners and they came to be implicated based on secret information and in the confessional statement of co-accused namely Amresh Kumar, who was apprehended with 1.5 litres of liquor. It is also submitted that confessional statement in police custody does not have any evidentiary value in the eye of law.

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

5. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge Excise Act, Madhubani in connection with Bisfi (Patauna) P.S. Case No.295/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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