

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73872 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- KHUTAUNA District- Madhubani

1. Hira Lal @ Hira Lal Roy @ Hira Lal Ray, Son Of Nagesar Ray Resident Of Village- Siswar, Ps- Phulparas, Dist- Madhubani
2. Sandeep Rai Son Of Shivanand Rai Resident Of Village- Balanpatti, Beli Gangdhara, Ps- Phulparas, Distt- Madhubani
3. Dharam Mandal Son Of Bishnudeo Mandal Resident Of Village- Khusiyalpatti, Ps- Khutauna, Dist- Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti
For the Opposite Party/s : Ms.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 20-02-2024 1.The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.1, namely, Hira Lal @ Hira Lal Roy @ Hira Lal Ray.
2. Permission is accorded.
3. Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.1, Hira Lal @ Hira Lal Roy @ Hira Lal Ray.
4. Heard learned counsel for the rest petitioners and learned APP for the State.



5. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 272, 273 and 34 of the I.P.C. and Section 30(a) of the Excise Act.

6. The learned counsel for the petitioners submits that the rest petitioners have antecedent of one and three cases respectively and the allegation is of recovery of 150.480 litres of liquor from a Maruti Car.

7. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession, nor the petitioners are owner of the seized vehicle and they came to be implicated based on confessional statement of Pankaj Chaudhary in police custody, which does not have any evidentiary value. It is also submitted that since petitioners have antecedents, as such, the police in mechanical manner implicated the petitioners.

8. Learned A.P.P. opposes the bail application.

9. 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. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Khutauna P. S. Case No.17 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

(Satyavrat Verma, J)

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