

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85724 of 2023

Arising Out of PS. Case No.-597 Year-2023 Thana- TAJPUR District- Samastipur

1. Bipin Kumar @ Virendra Kumar Son Of Sajjan Das R/O Village- Motipur, P.S.- Tajpur, Dist.- Samastipur
2. Surendra Das Son Of Late Yugeshwar Das R/O Village- Motipur, P.S.- Tajpur, Dist.- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 21-02-2024 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), 41(1) and 41(2) of the Excise Act.
3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case and petitioner no.2 has antecedent of three cases and the allegation is of recovery of 3726 litres of liquor from a tanker.
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. It is also submitted that petitioners are neither the owner nor the driver of the tanker in question, rather they came to be implicated at the instance of Chaukidar with whom they are on an inimical term. It is further



submitted that if the Chaukidar was aware that petitioners were involved in smuggling of illegal liquor and had concealed the liquor in the tanker, why the Chaukidar at the earliest did not inform the police, rather after the recovery was made, he implicated the petitioners, which cast an aspersion on the case of the prosecution.

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. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise 2nd, Samastipur in connection with Tajpur P. S. Case No.597 of 2023, 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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