

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85392 of 2024

Arising Out of PS. Case No.-314 Year-2024 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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1. Divyanshu Shekhar @ Divyanshu Kumar Son of Anil Kumar Yadav
Resident of- Kali Sthan Parvatti, P.S.- Vishvidhayla, District- Bhagalpur
 2. Ashutosh Kumar @ Sonu Kumar Son of Santosh Sah Resident of- Sujaganj,
AC Road, P.S.- Kotwali, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankit Raj, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 16-12-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Kotwali P.S. Case no. 314 of 2024 registered under section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, 2.25 litres of IMFL was recovered from the scooty and one Saurabh Kumar was taken into custody. It is further stated that Saurabh Kumar disclosed the names of the petitioners herein to the effect that the scooty which belongs to the petitioner no.1 had been taken by him from the petitioner no.2.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case only on the



basis of the statement of co-accused made before police. No incriminating article has been recovered from their possession and they have no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., no incriminating article having been recovered from their possession, their names transpiring only on the statement of the co-accused made before and especially the petitioners not having any antecedent under the Bihar Prohibition and Excise Act, 2016, it is directed that both the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Kotwali P.S. Case no. 314 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge XII-cum-Special Excise Judge II, Bhagalpur.

(Partha Sarthy, J)

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