

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7625 of 2024

Arising Out of PS. Case No.-565 Year-2023 Thana- DHAKA District- East Champaran

1. Santosh Kumar, S/O- Kishun Chaudhary @ Kishun Chaudhari Village- Masuadha Bazar ps Kundwa chainpur, Dist- E.Champaran
2. Sujit Kumar, son of Yogendra Rai Village- Kundwa Chainpur Ps- Kundwa Chainpur Dist- E.Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-02-2024 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) and 41(i) of the Excise Act.
3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the allegation is of recovery of 305.1 litres of liquor from a car.
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 next submitted that petitioners, being owner of the vehicle, came to be implicated. It is next submitted that no prudent person would use their own



vehicle for committing an occurrence and thus, would create evidence against themselves and hence, would get implicated. It is also submitted that petitioners came to be implicated based on confessional statement of Md. Nasir in police, which does not have any evidentiary value, who had taken the car of the petitioners, as such, petitioners were not aware that Md. Nasir would misuse the vehicle in the manner as alleged.

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. 500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.1, East Champaran, Motihari in connection with Dhaka (Pachpakri) P. S. Case No.565 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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