

Arising Out of PS. Case No.-834 Year-2024 Thana- Excise P.S. District- Nawada

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1. Raushan Kumar S/o Hari Prasad Yadav Resident of Village - Hasanganj, PS - Pakrivarawan, Distt.- Nawada, State- Bihar
2. Nitish Kumar S/o Lalkeshwar Prasad Yadav R/o vill - Pokhardiha, ward no. 2, P.S.- Satgawan, Distt.- Koderma, State - Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-04-2025 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a) and 47 of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners are person with clean antecedent and allegation is of recovery of 8.640 litres of liquor from a motorcycle.

4. Learned counsel for the petitioners next submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and petitioner No. 1 came to be implicated based on the fact that he



is owner of the seized motorcycle, while the name of the petitioner No. 2 transpired in the confessional statement of apprehended accused. It is further submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that confession made before police does not have any evidentiary value.

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

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 trial court within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Excise P.S. Case No. 834 of 2024, subject to the conditions as laid down under Section Section 482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioners have antecedent of even one case in that event the provisional anticipatory bail order shall not



be confirmed, but after verification if it is found that petitioners are person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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