

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75582 of 2024

Arising Out of PS. Case No.-918 Year-2023 Thana- DIGHA District- Patna

1. Sanjay Kumar S/o- Ramanand Mehta Resident of House No- A- 29 road No -18 Rajiv Nagar Patna
2. Gaurav @ Gaurav Kumar S/o- Sanjay Kumar @ Munna Mahto @ Sanjay Mahto R/o- Road No-18, Rajiv Nagar, Phulwari, Patna
3. Saurabh @ Saurabh Kumar Son of Sanjay Kumar @ Munna Mahto @ Sanjay Mahto R/o- Road No-18, Rajiv Nagar, Phulwari, Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar Ray, Adv.
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 16-04-2025 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), 32 (2) (3), 36 and 41(1) (2) of the Bihar Excise and Prohibition Act, 2018.

3. The recovery of total 3557.51 litres of foreign liquor has been shown from the rented godown of the petitioners.

4. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot, as such, nothing was recovered from their physical and conscious



possession and they came to be implicated in the present case merely on the basis of the fact that the rented godown from where the alleged recovery has been made belongs to petitioner no.1, who is father of petitioner nos. 2 & 3. It would be evident from the bare perusal of the FIR that the petitioners are not named in the FIR. Their names have transpired in the present case on the basis of the confessional statement of co-accused Sonu Kumar. Further, it has also been submitted that petitioner no.1 is aged about 60 years and for his livelihood, he had given the said premises (godown) on rent. It is also on record that petitioner no.2 is a student of medical college and petitioner no.3 is living out of Patna for earning his livelihood and both of them were made accused in the present case being sons of petitioner no.1, the owner of the said godown.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the fact that there is no recovery from physical and conscious possession of the petitioners and also that the petitioners have only one criminal antecedent arising out of Digha P.S. Case No. 914/2023, which is related to this very recovery and in the above mentioned case, the petitioners have



already been granted anticipatory bail, I am inclined to grant the privilege of anticipatory bail to the petitioners. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-II, Patna in connection with Digha P.S. Case No. 918 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

7. The criminal antecedent of the petitioners as mentioned in para 3 of the bail application shall be verified at the time of furnishing bail bonds.

(Soni Shrivastava, J)

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