

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69840 of 2022

Arising Out of PS. Case No.-78 Year-2021 Thana- PAROO District- Muzaffarpur

1. MAHESH KUMAR @ MAHESH ROY @ MAHESH RAI Son of Gena Lal Rai Resident of Village- Damodarpur, P.S.- Paru, District- Muzaffarpur
2. DINESH ROY @ DINESH RAI Son of Yogendra Rai Resident of Village- Damodarpur, P.S.- Paru, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a), 36 and 41(i) of the Bihar Excise Act.

Learned counsel for the petitioners submits that petitioners have antecedent of one case and allegation is of recovery of 5522.76 litres liquor from a truck.

Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession, it is next submitted that petitioners are neither the owner nor the driver of the alleged truck and they came to be implicated at the instance of nearby people whose name is not disclosed in the FIR which



amply demonstrates that police with a view to save the real culprits got the petitioners implicated in the present case because of their antecedent.

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

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 from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Paroo P.S. Case No. 78 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned trial court before accepting the bail bonds of the petitioners shall verify their criminal antecedent and if it is found that the petitioners have antecedent of more than one case, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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