

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66754 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- SAKATPUR District- Darbhanga

1. PANKAJ MISHRA @ PANKAJ KUMAR MISHRA Son of Sri Jayshankar Mishra @ Sri Jata Shankar Mishra R/V- Kaithwar, P.S- Sakatipur, Dist- Darbhanga
2. Nandan Choudhary @ Nandan Kumar Choudhary Son of Sri Raghu Choudhary @ Sri Raghuchand Choudhary R/V- Kaithwar, P.S- Sakatipur, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Deo, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual Court proceedings.

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

Learned counsel for the petitioners submits that petitioner no.1 has antecedent of one case and petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 173.820 liters of liquor from a bathroom beside the house of one Dhuran Mishra.



Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession, it is next submitted that he came to be implicated based on secret information which is the easiest way to implicate someone in order to save the real culprit, it is also submitted that the alleged recovery is from a place which does not belong to the petitioners.

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 trial court 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 trial court where the case is pending/successor court in connection with Sakatpur P.S. Case No. 36 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial Court before accepting



the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no. 1 has more than one criminal antecedent and petitioner no. 2 has any criminal antecedent then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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