

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71744 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

-
1. LAKHICHAND SAH @ LAKHICHANDRA SAH Son of Late Ram Prasad Sah R/v- Jiwachhpur, P.S.- Madhepura, District- Madhepura
 2. GANESH KUMAR Son of Kishore Sah R/v- Jiwachhpur, P.S.- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Ms. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2022 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 Sections 30(a) and 30(c) of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioner no. 1 has antecedent of one case and petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 60 liters of liquor from four plastic jars and 680 kg of java from 34 plastic containers



which were destroyed.

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 they came to be implicated by witnesses whose names are not disclosed in the FIR, it is also submitted that it appears that because of their antecedent, the police got them implicated in order to save the real culprits.

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. 20,000/- (Rupees Twenty 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 Madhepura P.S. Case No. 153 of 2021-2022 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)

GauravSinha/-

U		T	
---	--	---	--

