

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72246 of 2022

Arising Out of PS. Case No.-1007 Year-2022 Thana- KHAGARIA District- Khagaria

1. Raj Kumar Mahto @ Raj Kumar Noniya, S/O Bishundeo Noniya R/O Village- Dan Nagar, Noniya Patti, Ward No-5, P.S- Khagariya, P.O- Khagariya, District- Khagariya, Bihar
2. Amardip Kumar, S/O Raj Kumar Mahto @ Raj Kumar Nonia R/O Village- Dan Nagar, Noniya Patti, Ward No-5, P.S- Khagariya, P.O- Khagariya, District- Khagariya, Bihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Kumar
For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioners and learned APP
for the State through video conferencing.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(A) of the Excise Act, 2018.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the allegation is of recovery of 02 litres of liquor and 13 pieces of Codeine Phosphate and Chlorpheniramine Maleate Syrup each containing 100 ml.

The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is next submitted that petitioners came to be implicated based on secret information which



is the easiest way to implicate someone when admittedly petitioners are persons with clean antecedent.

Learned A.P.P. opposes the bail application.

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, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Khagariya P. S. Case No.1007 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, 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 petitioners has any criminal antecedent, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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