

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69186 of 2022

Arising Out of PS. Case No.-315 Year-2022 Thana- NAANPUR District- Sitamarhi

1. RAJESH SAH @ SURAJ KUMAR GUPTA S/O LAL BABU SAH Resident of village- Nanpur, P.S.- Nanpur and District- Sitamarhi.
2. MANOJ SAH S/O LAL BABU SAH Resident of village- Nanpur, P.S.- Nanpur and District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Mohan, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

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) of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 298.600 kg of hemp (bhang) from the house of Urmilla Devi, Vijay Sah and the petitioners.

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 petitioners have been falsely implicated in the present case, it is next submitted that they 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 counsel also submits that the house is a joint family house and as such no prudent person would use his own house for committing crime and thus create evidence against themselves.

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. 1,000/- (Rupees One 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 Nanpur P.S. Case No. 315 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 petitioners have any criminal antecedent then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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