

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70088 of 2022

Arising Out of PS. Case No.-197 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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1. JITENDRA RAI Son of Suresh Ray R/v- Diwantok, P.S.- Gangabridge,
District- Vaishali
 2. MUNCHUN RAI @ MUNCHUN KUMAR Son of Suresh Ray R/v-
Diwantok, P.S.- Gangabridge, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, 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), 32(b) and 41(a) of the Bihar Excise Act.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 400 litres liquor from a WagonR car.

Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and they came to be implicated based on the confessional statement of Pawan Kumar and Gautam Kumar in police custody which does not



have any evidentiary value, it is also submitted that petitioners are neither the owner nor the driver of the alleged vehicle.

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. 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/successor court in connection with C2A Case No. 197 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 antecedents and if it is found that the petitioners have antecedent even of a single case, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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