

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69178 of 2022

Arising Out of PS. Case No.-1063 Year-2021 Thana- SASARAM NAGAR District- Rohtas

1. BABLU PRASAD KESHARI @ BABLU KESHARI S/O Birendra Prasad
Kehsari R/O Mohalla Sagar, P.S- Sasaram (Town), District- Rohtas
2. Sandeep Kumar @ Sandeep S/O Durga Gupta R/O Mohalla Mahajan Toli,
P.S- Sasaram (Town), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, 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 Section 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 20.965 liters of liquor from the house of Birendra Prasad.

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 came to be implicated by their own father Birendra Prasad as they were having dispute with respect to property, it is also submitted that the house from where the alleged recovery was made is a joint family property, as has been stated at paragraph '7' and thus there was absolutely no occasion for the petitioner to keep liquor in the house. Learned counsel next submits that since informant was executing a sale deed in favour of his youngest son which was opposed by the petitioners, as such, they came to be implicated.

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 Sasaram (Town) P.S. Case No. 1063 of 2021 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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