

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70329 of 2022

Arising Out of PS. Case No.-398 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. SANTOSH KUMAR SON OF NAWAL KISHORE PRASAD YADAV R/O BAIRIYA TURKAULIYA EAST CHAMPARAN, P.S.- KESHARIYA, DISTRICT- EAST CHAMPARAN, BIHAR
 2. AMAN KUMAR SON OF GOPAL SAH R/O SHAHPUR PATTI, BHOJPUR, P.S.- BIHIYA, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neerad Parashar, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, 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) and 56(b) of the
Bihar Excise Act.

Learned counsel for the petitioners submits that petitioners
are persons with clean antecedent and allegation is of recovery of
79.92 liters of liquor from a flat in Vimlanchal apartment and two
motorcycles.

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 also submitted that no prudent person
would use his own vehicle for committing an occurrence and thus
create evidence against himself, it is next submitted that even the



alleged motorcycle was found parked and it appears that someone seeing the police kept the liquor and fled when admittedly petitioners are persons with clean antecedent.

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 Excise P.S. Case No. 398 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 shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even a single case then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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