

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70914 of 2022

Arising Out of PS. Case No.-256 Year-2022 Thana- BENIPATTI District- Madhubani

1. INDRAKANT MISHRA Son of Late Umesh Mishra Resident of Village - Pali North, P.S.- Benipatti, District - Madhubani
2. Arjun Mishra Son of Late Umesh Mishra Resident of Village - Pali North, P.S.- Benipatti, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-12-2022 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 272, 273 and 34 of the Indian Penal Code and 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 170.58 litres of liquor from kacha house near Madhya Vidyalaya.

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 they came to be implicated based on confessional statement of Jai Prakash in police custody which does not have any evidentiary value, it is also submitted that alleged recovery is from a place which is accessible to public at large.

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 Ten 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 Benipatti P.S. Case No. 256 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Learned trial court before accepting the bail bonds of the petitioners shall verify their criminal antecedent 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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