

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23086 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- KHAJAULI District- Madhubani

1. KARTIK KUMAR YADAV @ KARTIK KUMAR S/O RAMUDGAR YADAV Resident of Village- Chhapradhi, Ward No.- 01, P.S.- Khajauli, District- Madhubani.
2. RAVISHANKAR YADAV @ RAVI SHANKAR KUMAR S/O MAHESH YADAV Resident of Village- Chhapradhi, Ward No.- 01, P.S.- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2023 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 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

Allegation is of recovery of 135 litres of liquor from a place near Purandahi pond.

Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and they came to be implicated based on



the disclosure made by the Chawkidar with whom they are on an inimical term when admittedly petitioners are persons with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

The Court fails to appreciate that as to why the learned District Court did not record the facts of the case including the defence of the petitioner and rejection of the anticipatory bail application is mechanical.

Let a copy of this order be communicated to the learned District Judge for perusal of the concerned Court.

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 Khajauli P.S. Case No. 265 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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