

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24531 of 2024

Arising Out of PS. Case No.-423 Year-2023 Thana- KALYANPUR District- East Champaran

1. Akash Kumar Son Of Surendra Prasad Yadav Resident Of Village - Shitalpur (SISWA), P.S. - Chakiya, District - East Champaran
2. Santosh Paswan Son Of Sitaram Paswan Resident Of Village - Math Garib, P.S. - Chakiya, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-04-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 414, 34 of the I.P.C. and Sections 30(a), 32(2), 33(3), 36, 41(1) and 41(2) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners have antecedent of three cases and allegation is of recovery of 1379.7 litres of liquor from a truck. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and are neither the owner nor the driver of the seized truck and they came to be implicated based on confessional statement of Lal Babu and Sonu Kumar in



police custody, which does not have any evidentiary value.

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

5. Considering the submissions made by the learned counsel for the petitioners, the petitioner 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.15000/- (Rupees fifteen 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 Kalyanpur P.S. Case No.423/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioners have antecedent of more than three cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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