

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28347 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- SONEPUR District- Saran

1. GUDDU KUMAR S/O LATE GANESH RAY R/O VILLAGE-SABALPUR CHAHARAM, P.S- SONEPUR, DISTT.- SARAN AT CHAPRA- 841101.
2. PANKAJ KUMAR S/O LATE GANESH RAY R/O VILLAGE-SABALPUR CHAHARAM, P.S- SONEPUR, DISTT.- SARAN AT CHAPRA- 841101.

... Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-04-2024 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases and petitioner no. 2 has antecedent of one case.

4. Allegation is of recovery of 278.110 litres of liquor from room of Rakesh Kumar.

5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and even the alleged recovery is from a place which does not belong to the petitioners nor they have any connection or relation with Rakesh Kumar. It is further submitted that petitioners came to be implicated at the instance of the Chawkidar with whom they are on an inimical term. It is also submitted that if the Chawkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution.

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

7. 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.10,000/- (Rupees Ten 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 Sonapur P.S. Case No. 61 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more then two cases and petitioner no. 2 has antecedent of more than one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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