

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29238 of 2024

Arising Out of PS. Case No.-160 Year-2023 Thana- SIMRA District- West Champaran

1. Govind Sahani @ Govind Chaudhari Son of Late Khublal Sahani R/o Village- Vinuddiya, P.S.- Semra, District- West Champaran
2. Rambhawan Gond Son of Late Paspal Gond R/o Village- Sikatia, Binwalia, P.S.- Semra, District- West Champaran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sharma
For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-04-2024 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 offences punishable under Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that the petitioner no. 1 has antecedent of two cases whereas petitioner no. 2 has antecedent of one case and allegation is of recovery of 25 litres of liquor from a place behind the house of petitioner No. 2, 16 litres of liquor from a place behind the house of petitioner No. 1 and 20 litres of liquor from a crusher machine of Prem Shankar Gupta.



4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a place which is accessible to public at large and does not belong to the petitioners. It is next submitted that they came to be implicated based on secret information which is the easiest way to implicate someone.

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

6. 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. 10,000/- (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 Semra P.S. Case No. 160 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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 the petitioner no. 1 has antecedent of more than 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.

(Satyavrat Verma, J)

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