

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25922 of 2024

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

1. Sandeep Kumar Das, Son Of Bhuali Das Resident Of Village - Patti Jasoli, P.S. - Kotwa, District - East Champaran
2. Anil Kumar Prajapati @ Anil Kumar, Son Of Jogendar Pandit Resident Of Village - Patti Jasoli, P.S. - Kotwa, District - East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar Tiwari
		Mr. Shambhu Narayan Singh
For the Opposite Party/s	:	Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a), 32(2), 32(3), 36, 41(1) and 41(2) of the Excise Act, 2022 and Sections 414 and 34 of the I.P.C.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of two cases and petitioner no.2 has antecedent of one case and the allegation is of recovery of 1379.7 litres of liquor from a truck.

4. The learned counsel for the petitioners submits 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 apprehended accused in police custody, which does not have any evidentiary value.

5. Learned A.P.P. opposes the bail application.

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 Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.3, Civil Court, East Champaran at Motihari in connection with Kalyanpur P. S. Case No.423 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that the learned trial Court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than two cases and petitioner no.2 has antecedent of more than one



case, then in that event, the present anticipatory bail order shall
not be given effect to.

(Satyavrat Verma, J)

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