

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24433 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- MAKER District- Saran

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1. Sanjay Sahani @ Sanjay Kumar Sahani S/o Late Singeshwar Sahani
Resident of Village- Hasanpura Murahi, P.S.- Maker, Dist.- Saran
 2. Kunal Singh @ Kunal Kumar S/o Late Vinod Singh Resident of Village-
Hasanpura Murahi, P.S.- Maker, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-04-2024 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
petitioners have antecedent of one case and allegation is of
recovery of 910 liters of spirit from a place near bank of a river.
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 the alleged
recovery is from a place which is accessible to public at large



and does not belong to the petitioners and they came to be implicated at the instance of local people. It is further submitted that in majority of the cases police is implicating accused persons either at the instance of *Chowkidar* or local people. It is also submitted that if the *Chowkidar* was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

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. 5,000/- (Rupees Five 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 Maker P.S. Case No. 01 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear 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 petitioners have 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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