

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27110 of 2024**

Arising Out of PS. Case No.-579 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

1. SAMBHU BAITHA @ SHAMBHU RAJAK S/O SATAHU RAJAK R/O VILLAGE- SHARFUDDINPUR, P.S- B.O CHAHAN, DISTT.- MUZAFFARPUR.
2. VIJAY BAITHA @ VIJAY RAJAK S/O RAM SAWARATH RAJAK R/O VILLAGE- SHARFUDDINPUR, P.S- B.O CHAHAN, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar

For the Opposite Party/s : Mr. Parmanand Prasad

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 2 09-04-2024 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 are person with clean antecedent and allegation is of recovery of 74.520 liters of liquor from a Narkat plantation near a pond of Murari Prasad.
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 does not belong to the petitioners and is accessible to public at large and they came to be implicated at the



instance of *Chowkidar* with whom they are on an inimical term. It is next submitted that it appears that *Chowkidar* in order to save the real culprits falsely implicated the petitioners.

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. 1,000/- (Rupees One 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 Bochanhan P.S. Case No. 579 of 2023 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 any of the petitioner has antecedent of even one case in that event, the present anticipatory bail order shall not be given effect to against the petitioner against whom criminal antecedent is found.

(Satyavrat Verma, J)

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