

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26010 of 2024

Arising Out of PS. Case No.-146 Year-2023 Thana- SALAIYA District- Aurangabad

1. Anil Choudhary Son of Radhey Choudhary Resident of Village- Pipra Dih, Gajraj Bgha, P.S. Salaiya, District- Aurangabad, Bihar
2. Raju Choudhary Son of Krishna Choudhary Resident of Village- PipraDih, Gajraj Bgha, P.S.- Salaiya, District- Aurangabad, Bihar
3. Dhanoj Kumar @ Dhanoj Kumar Dharma Son of Late Jugeshwar Yadav Resident of Village- PipraDih, Gajraj Bgha, P.S.- Salaiya, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupa Kumari

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-04-2024 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 nos. 1 and 2 have antecedent of two cases and petitioner No. 3 has antecedent of 3 cases and allegation is of recovery of 5 litres of liquor along with 5 quntal of mahua flower from chalho hills.

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 further submitted that they came to be implicated by the local people but then the FIR does not disclose the name of the person who disclosed the name of the petitioners, which casts an aspersion on the case of the prosecution. It is also submitted that if local person was aware of the involvement of the petitioners in the occurrence then why he/she did not inform the police prior to institution of the instant FIR which further casts 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. 15,000/- (Rupees Fifteen 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 Salaiya P.S. Case No. 146 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 nos. 1 and 2 have antecedents of more than two cases and petitioner no. 3 has antecedent of more than three cases, in that event the present anticipatory bail order shall not be given effect.

(Satyavrat Verma, J)

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