

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25174 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- GORAUL District- Vaishali

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1. Manish Kumar Sahni S/o Rajgir Sahni @ Rajgeer Sahni R/o vill - Rasulpur Daud, P.S. - Goraul (Kathara O.P.), Distt. - Vaishali
 2. Babbu Kumar Sahni S/o Rajgir Sahni @ Rajgeer Sahni R/o vill - Rasulpur Daud, P.S. - Goraul (Kathara O.P.), Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 04-04-2024 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 Sections 419 and 420/34 of the Indian Penal Code as well as Sections 30(a), 32(i)(ii) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

4. Allegation is of recovery of 1301.65 litres of liquor from a pickup van.

5. 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 not the owner of the seized vehicle and petitioners came to be implicated based on



confessional statement of Anil Kumar and Niraj Kumar in police custody which does not have any evidentiary value in the eye of law, when petitioners admittedly are persons with clean antecedent.

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

7. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Goraul (Kathara O.P.) P.S. Case No. 73 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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 if it is found that petitioners has antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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