

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28789 of 2024

Arising Out of PS. Case No.-456 Year-2023 Thana- KARAKAT District- Rohtas

1. Vijay Kumar Singh @ Vijay Yadav @ Vijay Singh Son of Indradeo Yadav Resident of Village- Kanchanpur, Sansar Tola, P.S.- Karakat, District- Rohtas
2. Naresh Yadav @ Naresh Kumar Singh Son of Jamuna Yadav Resident of Village- Kanchanpur, Sansar Tola, P.S.- Karakat, District- Rohtas
3. Kamlesh Yadav @ Kamlesh Singh Son of Jamuna Yadav Resident of Village- Kanchanpur, Sansar Tola, P.S.- Karakat, District- Rohtas

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sadanand Roy, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-04-2024 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 are persons with clean antecedent whereas the petitioner no. 3 has antecedent of one case and allegation is of recovery of 170 litres liquor from a bush.

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 and they came to be implicated at the instance of local person. It is also submitted that it absolutely does not stand to reason that if local person was aware of the involvement of the petitioners in the occurrence then why he 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. 5,000/- (Rupees Five Hundred) 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 Karakat P.S. Case No. 456 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 antecedent of even one case and the petitioner no.3 has more than one antecedent, in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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