

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29566 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- UJIYARPUR District- Samastipur

1. SHIV KUMAR SON OF YUGAL RAM RESIDENT OF VILLAGE - BAIKUNTHPUR BRAHND, P.S. - UJIYARPUR, DISTRICT - SAMASTIPUR
2. MITHUN KUMAR SON OF SURENDRA SAH RESIDENT OF VILLAGE - BAIKUNTHPUR BRAHND, P.S. - UJIYARPUR, DISTRICT - SAMASTIPUR
3. SHAMBHU SAH @ SHAMBHU LAL SON OF JAWAHAR SAH RESIDENT OF VILLAGE - BAIKUNTHPUR BRAHND, P.S. - UJIYARPUR, DISTRICT - SAMASTIPUR
4. MD. RAZA @ IMTIYAZ SON OF MD. MUKHTAR RESIDENT OF VILLAGE - BAIKUNTHPUR BRAHND, P.S. - UJIYARPUR, DISTRICT - SAMASTIPUR
5. MITTHU @ MITHUN KUMAR SON OF UMESH MAHTO @ UMESH SAH RESIDENT OF VILLAGE - BAIKUNTHPUR BRAHND, P.S. - UJIYARPUR, DISTRICT - SAMASTIPUR
6. MUNNA @ NITISH KUMAR SON OF SATYANARAYAN RAY @ SATYANARAYAN PATEL RESIDENT OF VILLAGE - BAIKUNTHPUR BRAHND, P.S. - UJIYARPUR, DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Adv.
For the Opposite Party/s : Mr. Atul Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 22-04-2024 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 420, 467, 468 & 471 of the I.P.C. and u/s 30(a), 41(i)(ii) of the Bihar Excise Act.



3. Learned counsel for the petitioners submits that the petitioner no. 1 to 5 has one antecedent and the petitioner no. 6 has four antecedent and allegation is of recovery of 4114.800 liters of foreign liquor from the truck.

4. Learned counsel for the petitioner submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession. It is next submitted that they are neither driver nor the owner of the seized vehicle, he came to be implicated at the instance of Chowkidar with whom he is on an inimical term. It is also submitted that it appears that the Chowkidar, with a view to save the real culprit, falsely implicated the petitioners. It is also submitted that if the Chowkidar was aware about the involvement of the petitioners, why he did not inform the police prior to institution of the instant FIR, which casts and 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. 20,000/- (Rupees Twenty Thousand) 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 Ujiyarpur P.S. Case No. 36 of 2024, 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 no. 1-5 have one antecedent and petitioner no. 6 has four antecedent and in the event if it is found that the petitioner no. 1 to 5 has antecedent of even one case and has antecedent of more than one case, and the petitioner no. 6 has four antecedent and even more than four cases, in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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