

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30510 of 2024

Arising Out of PS. Case No.-219 Year-2023 Thana- Excise P.S. District- Saharsa

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1. Amit Kumar Singh @ Amit Singh Son of Mantun Singh Residing at Mohalla- Gautam Nagar, Gangjala, Ward No. 18, P.S. and Dist.- Saharsa
 2. Sonu Kumar @ Sonu Sharma Son of Gopal Mistri Residing at Mohalla- Gautam Nagar, Gangjala, Ward No. 18, P.S. and Dist.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha
For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-04-2024 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 1165.28 liters of liquor from the house of Mukesh Kumar
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 they have no concern or relation with Mukesh Kumar. It is further submitted that he came to be implicated at the instance of independent witnesses, but then the name of the person who



disclosed the name of the petitioners is not disclosed in the FIR which casts an aspersion on the case of the prosecution, when admittedly petitioners are person with clean antecedent.

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 Excise P.S. Case No. 219 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 their criminal antecedent and in the event if it is found that any of 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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