

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33685 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- RAMKRISHNANAGAR District- Patna

1. AMRESH KUMAR @ AMRESH YADAV S/O RAM YADAV R/O RAJLA, KURAULI, NIYAR, P.S- AZAMGHAR, DISTT.- VARANASI (U.P).
2. KAMLESH YADAV S/O RAM YADAV R/O RAJLA, KURAULI, NIYAR, P.S- AZAMGHAR, DISTT.- VARANASI (U.P).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-05-2024 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 30(a), 30(c), 30(f), 33, 34(b) and 41(1) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners are person with clean antecedent and have been falsely implicated in the instant case by the informant. It is next submitted that allegation is of recovery of 3940 liters of spirit from a godown. It is further submitted that the owner of the godown had booked the truck of the petitioner no. 2 for carrying goods, as such, the driver of the truck had reached the godown,



but when police reached the place of occurrence, it came to the knowledge of the driver that spirit/liquor has been recovered from the godown, as such, leaving the truck he fled. It is next submitted that no prudent businessman would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated, it is also submitted that petitioners were completely unaware that owner of the godown had booked the vehicle for such illegal purpose, when petitioners, admittedly, are person with clean antecedent.

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

5. 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 Ramkrishna Nagar P.S. Case No. 07 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



6. However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event if it is found that any of the petitioners have 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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