

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34939 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- WARISLIGANJ District- Nawada

1. Ashok Yadav Son of Bhagwan Yadav Resident of Village- Dariyapur, P.S.-
Warisaliganj, District- Nawada
2. Chuha Yadav @ Ranjan Kumar Son of Shankar Yadav Resident of Village-
Dariyapur, P.S.- Warisaliganj, District- Nawada
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2024 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 offence punishable under Section 30(a) 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 30 litres of liquor from
a place near the pond and 15 litres of liquor is alleged to have
been thrown on the ground.

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 even the alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large. It is further submitted that petitioners came to be implicated at the instance of the Chawkidar with whom they are on an inimical term. It is next submitted that if the Chawkidar was aware of the involvement of petitioners in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution.

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 Warisaliganj P.S. Case No. 86 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, 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 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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