

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31238 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- GADHPURA District- Begusarai

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1. Ajeet Kumar @ Ajit Kumar son of Tuntun Yadav Vill- Kaura W.No-10, Ps- Garhpura Dist-Begusarai
 2. Amit Kumar @ Amit Kumar Yadav son of Tuntun Yadav Vill- Kaura W.No-10, Ps- Garhpura Dist-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudish Kumar
For the Opposite Party/s : Ms. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-04-2024 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 offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 50 litres of liquor from a place near the bank of river Bahiyar. It is next submitted that 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 does not belong to the petitioners and is accessible to



public at large and they came to be implicated at the instance of chowkidar. It is next submitted that the police implicates mechanically either at the instance of chowkidar or local person but then it absolutely does not stand to reason that why the chowkidar did not inform the police prior to institution of the instant case, if he was aware of the involvement of the petitioner in the occurrence, which casts an aspersion on the case of the prosecution.

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 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 trial court where the case is pending/successor court in connection with Garhpura P.S. Case No.19/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. 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 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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