

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32469 of 2024

Arising Out of PS. Case No.-138 Year-2023 Thana- Excise P.S. District- Madhubani

1. SIYA RAM SAFI @ RAM KUMAR SAFI @ RAM Son of Late Jagdish Safi @ Bhutta Safi Resident of Village - Uttara, P.S. - Saharghat, Dist. - Madhubani
2. Sanjiv Safi @ Sandip Safi Son of Late Jagdish Safi @ Bhutta Safi Resident of Village- Uttara, P.S.-Saharghat, Dist.- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shreyash Bhardwaj
For the Opposite Party/s :	Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-05-2024 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, 2018.
3. Learned counsel for the petitioners submits that petitioners have antecedent of three cases.
4. Allegation is of recovery of 63 litres of liquor from the vacant land of petitioner no. 1 concealed under the husk.
5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further submitted that the land in question is a vacant land and is



outside the house and thus is accessible to the villagers at large. It is next submitted that no prudent person would use his own land for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that it appears that someone inimical to the petitioners planted the liquor on the vacant land of petitioner no.1 with a view to implicate him and his family members. It is further submitted that it absolutely does not stand to reason that if the local person, who disclosed the name of the petitioners, was aware of their involvement in the occurrence then why he did not inform the police prior to 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.15,000/- (Rupees Fifteen Thousand) 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 Excise



P.S. Case No. 138 of 2023, 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 more than three cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

