

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35276 of 2024

Arising Out of PS. Case No.-264 Year-2018 Thana- NADI P.S. District- Patna

1. Jagdish Rai @ Jagdish Prasad Son of Late Hemlal Rai Resident of Village - Jethuli, P.S. Nadi, District - Patna
2. Ranjan @ Rama Kumar Son of Jairam Rai Resident of Village - Jethuli, P.S. Nadi, District - Patna
3. Vijendra Rai @ Bijendra Rai @ Bijendra Kumar Son of Anandi Ray Resident of Village - Jethuli, P.S. Nadi, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 17-05-2024 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 Sections 341, 323, 307, 147, 148, 149, 353, 337, 338, 427, 431, 34 of the Indian Penal Code and Sections 30(a) and 45 of Bihar Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of foreign liquor from Jagdish Rai's cowshed. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession, it is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that even the quantity of liquor has not been mentioned in the F.I.R, further the alleged recovery



is also from a place which does not belong to the petitioners.

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 Nadi P.S. Case No.264/2018, 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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