

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32971 of 2024

Arising Out of PS. Case No.-54 Year-2022 Thana- CHAKAND District- Gaya

1. Ashok Yadav Son Of Rajesh Yadav Village -Dariyapur PS -Belaganj District -Gaya
2. Surendra Yadav SON OF Deoshaaran Ysadav @Durga Yadav RESIDENT OF VILLAGE- DALLIBIGHA, PS- BELAGANJ, DIST- GAYA, P/A- VILLAGE- DARIYAPUR, PS- BELAGANJ, DIST- GAYA

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate
For the Opposite Party/s : Mr. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-05-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehends their arrest in a case registered for the offence punishable under Section 30(a)(d)(g) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioner no. 1 is a person with clean antecedent and petitioner no. 2 has antecedent of four cases and allegation is of recovery of 30 liters of liquor along with 140 kg of jaggery solution from the shop of the petitioner.

4. Learned counsel for the petitioner submits that the petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession, the learned counsel for the petitioners draws the attention of the Court to the seizure list to submit that alleged seizure has been made from Simriya Bhuitoli, P.S. Chakand. It is submitted that police in mechanical manner investigates and implicates. It is also submitted that petitioners came to be implicated at the instant of *Chowkidar* with whom petitioner no. 2 is an inimical term. It is next asserted and submitted that liquor was not recovered from their shop.

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

6. 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. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chakand P.S. Case No. 54 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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 petitioner no. 1 has antecedent of even one case and petitioner no. 2 has antecedent of more than four cases in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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