

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32970 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- BHELDI District- Saran

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1. Kundan Kumar Son Of Sudarshan Ray Village- Bhaluhiya, Ps- Parsa, Dist- Saran At P/A- Manar, Ps- Parsa, Dist- Saran
 2. Sonu Kumar Son Of Lalit Ray Village- Bhaluhiya, Ps- Parsa, Dist- Saran P/A- Shankardih, Ps- Parsa, Dist- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, 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 apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 189.72 liters of liquor from an Auto.

4. Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing was recovered from his conscious possession and they are neither the owner nor the driver of the seized auto and they came to be implicated at the instance of *Chowkidar*. It is also submitted that if the *Chowkidar* was aware of the involvement of the petitioner 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 and it also appears that the *Chowkidar* in order to save



the real culprits falsely implicated the petitioners who admittedly are person with clean antecedent.

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. 1,000/- (Rupees One Thousand) 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 Bheldi P.S. Case No. 68 of 2024 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 any of the 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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