

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35108 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- PARSA District- Saran

1. Guddu Sahani @ Guddu Kumar Son of Late Singeshwar Sahani Resident of village - Hasanpura Murahi, P.S.- Maker, Dist.- Saran
2. Chandan Sahani Son of Late Singeshwar Sahani Resident of village - Hasanpura Murahi, P.S.- Maker, Dist.- Saran
3. Bittu Sahani @ Bitu Sahani Son of Late Singeshwar Sahani Resident of village - Hasanpura Murahi, P.S.- Maker, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2024 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 offences punishable under Sections 30(a), 32(3) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of nine cases but inadvertently at para 3 of the anticipatory bail application it has been recorded that he has antecedent of seven cases, petitioner no. 2 has antecedent of four cases and petitioner no. 3 has antecedent of one case.



4. Allegation is of recovery of 530 litres of liquor from four boats from the bank of a river.

5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and they are not the owner of the seized boats. It is further submitted that petitioners came to be implicated based on the confessional statement of Anil Kumar in police custody which does not have any evidentiary value in the eye of law. It is next submitted that it appears that the police in order to save the real culprits got the petitioners implicated through Anil Kumar.

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.45,000/- (Rupees Forty-five 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 Parsa P.S. Case No. 76 of 2024, 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 petitioner no. 1 has antecedent of more than nine cases, petitioner no. 2 has antecedent of more than four cases and petitioner no. 3 has antecedent of more than one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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