

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33813 of 2024

Arising Out of PS. Case No.-853 Year-2023 Thana- DARIYAPUR District- Saran

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1. Ajay Rai Son Of Kapil Rai Resident Of Village - Edilpur, P.S. - Dariyapur, District - Saran
 2. Vijay Rai @ Haratlal Rai Son Of Kapil Rai Resident Of Village - Edilpur, P.S. - Dariyapur, District - Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-05-2024 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 Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of one case and petitioner no.2 has antecedent of two cases and allegation is of recovery of 180 litres of liquor from a bush behind the house of the petitioner. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a place which does not



belong to the petitioners but then is adjacent to their house and they came to be implicated at the instance of chowkidar with whom they are on an inimical term. It is further submitted that it absolutely does not stand to reason that if chowkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police, prior to institution of the instant F.I.R., which casts an aspersion on the case of prosecution.

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.10,000/- (Rupees ten thousand) 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 Dariyapur P.S. Case No.853/2023, 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 petitioner no.1 has antecedent of more than one case and the petitioner no.2 has antecedent of more than two cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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