

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37016 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- PIPRASI District- West Champaran

1. Kanhaiya Yadav S/o Bhola Yadav R/o vill - Baluaa Reta, P.S. - Nadi, Distt. - West Champaran
2. Santosh Mali S/o Chhathu Mali R/o vill - Baluaa Reta, P.S. - Nadi, Distt. - West Champaran
3. Dinesh Yadav S/o Bihari Yadav R/o vill - Baluaa Reta, P.S. - Nadi, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-06-2024 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 Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioner nos. 1 and 3 are person with clean antecedent and petitioner no. 2 has antecedent of one case and allegation is of recovery of 224.64 liters of liquor from two motorcycles and 95.04 liters of liquor from three sacks.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and are not the owner of the seized vehicles and they came to be implicated based on the



confessional statement of apprehended accused in police custody which does not have any evidentiary value.

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. 5,000/- (Rupees Five 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 Piprasi P.S. Case No. 21 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 petitioner nos. 1 and 3 have antecedent of even one case and petitioner no. 2 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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