

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34647 of 2024**

Arising Out of PS. Case No.-242 Year-2024 Thana- DANAPUR District- Patna

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1. Mantu Kumar S/O Pramod Kumar @ Pramod Prasad R/O Daldali Road, P.S- Danapur, Distt.- Patna.
  2. Lallu Kumar S/O Late Naga Rai R/O Daldali Road, P.S- Danapur, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Binod Kumar

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      15-05-2024                      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 Sections 30(a) and 41 of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 24.06 litres of liquor from a plastic sack. 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 sack which does not belong to the petitioners and they came to be implicated at the instance of



local person but then it absolutely does not stand to reason that if the local person was aware of the involvement of the petitioners in the occurrence then why he or she did not inform the police prior to institution of the instant F.I.R., which casts an aspersion on the case of the prosecution, when petitioners admittedly are persons with clean antecedent.

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.500/- (Rupees five hundred) 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 Danapur P.S. Case No.242/2024, 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 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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