

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35037 of 2024

Arising Out of PS. Case No.-118 Year-2024 Thana- BARHARA District- Bhojpur

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1. Mukesh Kumar Rai @ Mukesh Kumar Yadav S/o- Jagu Rai
 2. Chhotu Rai @ Chhotu Kumar Rai @ Chhotu Kumar Yadav son of Late Sunain Rai
- Both Village- Lala Ka Tola Ps- Barahara Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Mohan Tripathi, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 4 26-07-2024 1. Heard learned counsel for the petitioners as well as learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act in connection with Barhara P.S. Case No.118 of 2024.
3. The learned counsel for the petitioners submit that the petitioners are person with clean antecedent and the allegation is of recovery of 100 liters of liquor from a motorcycle.



4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from his conscious possession. It is next submitted that petitioner is not the owner of the seized motorcycle and they came to be implicated at the instance of 'Chowkidar' with whom they are on an inimical term.

5. The learned APP for the State opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, Bhojpur, Ara in connection with Barhara P.S. Case No.118 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify the registration of the seized motorcycle and, in the event, if it is found that the motorcycle is registered in the name of the



petitioners, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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