

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35945 of 2024

Arising Out of PS. Case No.-163 Year-2024 Thana- SAKRA District- Muzaffarpur

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1. Chanchal Kumar Son Of Madan Rai @ Madan Prasad Ray Village- Pipri,
Ps- Sakra, Dist- Muzaffarpur
 2. Amarjeet Rai @ Amarjeet Kumar Son Of Madan Rai @ Madan Prasad Ray
Village- Pipri, Ps- Sakra, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-06-2024 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 Sections 30(a), 32(i)
(ii), 36 and 41(i) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the
petitioners have antecedent of five cases and allegation is of
recovery of 895.68 liters of liquor from a cremation ground.

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 even the alleged
recovery is from a place which does not belong to the petitioners
and is accessible to public at large and they came to be implicated
at the instance of *Chowkidar* with whom they are on an inimical
term. It is next submitted that it absolutely does not stand to reason
that if the *Chowkidar* was aware of the involvement of the



petitioner in the occurrence then why he did not inform the police prior to institution of the FIR.

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. 15,000/- (Rupees Fifteen 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 Sakra P.S. Case No. 163 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 any of the petitioners have antecedent of more than five cases in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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