

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35716 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- RAGHUNATHPUR District- Siwan

1. Mahesh Patel @ Mahesh Kurmi, S/O Kodai Patel Village - Murarpatti, P.S. - Raghunathpur, District - Siwan
2. Rajan Patel, S/O Mahesh Patel @ Mahesh Kurmi Village - Murarpatti, P.S. - Raghunathpur, District - Siwan
3. Dadan Patel, S/O Mahesh Patel @ Mahesh Kurmi Village - Murarpatti, P.S. - Raghunathpur, District - Siwan
4. Ajit Yadav, S/O Kedar Yadav Village - Murarpatti, P.S. - Raghunathpur, District - Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-05-2024 1. Heard learned counsel for the petitioners and
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 Excise Act.

3. The learned counsel for the petitioners submits that
the petitioner nos.1, 2 and 3 are persons with clean antecedent
and petitioner no.4 has antecedent of one case and the allegation
is of recovery of 54.500 litres of liquor from a motorcycle and
near Brahm sthan.



4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and are not the owner of the seized vehicle and even 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 apprehended accused in police custody, which does not have any evidentiary value.

5. Learned A.P.P. opposes the 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 their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.II, Siwan in connection with Raghunathpur P. S. Case No.73 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that 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 to 3 have antecedent of even one case and petitioner no.4 has antecedent of more than one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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