

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36711 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- SAHAR District- Bhojpur

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1. Gobinda Kumar @ Gobinda Chaudhary And Other Son of Late Kaba Chaudhary Resident of Village - Dhauri, P.S.- Sahar, District - Bhojpur.
 2. Munna Kumar @ Munna Kumar Chaudhary Son of Late Kaba Chaudhary Resident of Village - Dhauri, P.S.- Sahar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Prabhakar
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 21-06-2024 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 no.1 has antecedent of one case and petitioner no.2 is a person with clean antecedent and the allegation is of recovery of 60 litres of liquor from two gallons near catchment area of Sone river.
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 even alleged recovery is from a place, which does not belong to the petitioner and is accessible to public at large and he came to be implicated at the instance of Chaukidar. It is next submitted that it absolutely does not stand to reason that if Chaukidar was aware of the involvement of the petitioners in the occurrence, then why he did not inform the police prior to institution of the present F.I.R., which cast an aspersion on the case of the prosecution.

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 ten 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 Sri Arun Kumar Sharma, the learned Exclusive Special Excise Judge, Excise Court No.2, Bhojpur, Ara in connection with Sahar P. S. Case No.56 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 no.1 has antecedent of more than one case and petitioner no.2 has antecedent of even one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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