

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35328 of 2024

Arising Out of PS. Case No.-211 Year-2024 Thana- SAKRA District- Muzaffarpur

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1. Pintu Kumar Son of Ramlal Ray R/O Vill. - Dubaha, P.S.- Sakra, District - Muzaffarpur.
 2. Ramlam @ Ramlal @ Ramlal Rai @ Ramlal Ray Son of Late Yogendra Ray R/O Vill. - Dubaha, P.S.- Sakra, District - 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. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 16-05-2024 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), 36 and 41(i)(ii) of Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioners submits that petitioners have antecedent of two cases and allegation is of recovery of 936.375 litres of liquor from a pick up vehicle. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and are not the owner or driver of the seized vehicle and they came to be implicated at the instance of chowkidar with whom they are on an inimical term. It is also submitted that if the chowkidar was aware



about the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant F.I.R., which casts an aspersion on the case of prosecution.

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.10,000/- (Rupees ten 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.211/2024, 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 more than two cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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