

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36539 of 2024

Arising Out of PS. Case No.-403 Year-2023 Thana- RAGHOPUR District- Supaul

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1. Md. Saddam, Son Of Late Md. Salamat Resident Of Village - Simrahi, Ward No. 5, Police Station - Raghapur, Dist- Supaul
 2. Md. Aslam, Son Of Late Md. Salamat Resident Of Village - Simrahi, Ward No. 5, Police Station - Raghapur, Dist- Supaul

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Anis Akhtar

For the Opposite Party/s : Mr.Md. Nazir Ansari

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 petitioners are persons with clean antecedent and the allegation is of recovery of 147 litres of liquor from an auto and a motorcycle as detailed in the F.I.R.
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 petitioner no.1



came to be implicated based on the fact that he is owner of the seized motorcycle. It is further submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated, when admittedly petitioners are persons with clean antecedent and they came to be implicated at the instant of local person, but then, the name of the person, who disclosed the name of the petitioner is not disclosed in the F.I.R., which cast an aspersion on the case of the prosecution.

5. Learned A.P.P. 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 ten weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.2, Supaul in connection with Raghopur P. S. Case No.403 of 2023, 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 petitioners have 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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