

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37494 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- Excise P.S. District- Madhepura

1. Deepak Kumar Yadav S/O LATE ANMOL YADAV r/o village- Pramanpur, P.S.- srinagar, Dist- Madhepura
2. Abhishek Kumar S/O Vindeshwari Sah R/O Village- Goushala Chowk, Ward No.5, P.S.- Murliganj, Dist- Madhepura
3. Vindeshwari Sah S/O Late Mahi Sah @ Menhi Sah R/O Village- Goushala Chowk, Ward No.5, P.S.- Murliganj, Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Wasi Ahmad Khan
For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-06-2024 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 Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioner No. 1 is a person with clean antecedent, petitioner No. 2 has antecedent of four cases and petitioner No. 3 has antecedent of two cases and allegation is of recovery of 1717.92 litres of liquor from PWD office, Madhepura.

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 alleged recovery is from a place which is a government office and does not belong to the petitioner and they came to be implicated by the independent witnesses but then the FIR does not disclose the name of the person who disclosed the name of the petitioner, which casts an aspersion on the case of the prosecution. It is also submitted that it appears that the police, in order to save the real culprit, falsely implicated the petitioners taking advantage of their antecedents.

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. 20,000/- (Rupees Twenty 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 Madhepura Excise P.S. Case No. 87 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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 the petitioner No. 1 has antecedent of even one case, petitioner No. 2 has more than four antecedents and petitioner No. 3 has more than two antecedents, in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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