

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38410 of 2024

Arising Out of PS. Case No.-138 Year-2024 Thana- RAFIGANJ District- Aurangabad

1. Ramkumar Yadav @ Ramkumar Ranjan Son of Ram Chandra Yadav Resident of village - Abdulpur, P.S.- Rafiganj, District - Aurangabad, Bihar.
2. Lalu Yadav @ Ravi Kumar @ Raviranjana Kumar Son of Ram Sanehi Yadav Resident of village - Abdulpur, P.S.- Rafiganj, District - Aurangabad, Bihar.
3. Nitish Yadav @ Nitish Kumar Son of Ram Sanehi Yadav Resident of village - Sitalgadh, P.S.- Koch, District - Gaya.
4. Rajesh Yadav Son of Rajeshwar Yadav Resident of village - Chand Bigaha, P.S.- Rafiganj, District - Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alka Singh
For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-06-2024 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 nos. 1 and 2 have antecedents of two cases and petitioner nos. 3 and 4 are persons with clean antecedent and allegation is of recovery of 2880 Kg of Mahua solution along with 80 liters of liquor recovered from a bush and a motorcycle.

4. Learned counsel for the petitioners next submits



that the petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a bush which does not belong to the petitioners and is accessible to public at large and petitioners are not the owner of the seized motorcycle and they came to be implicated at the instance of Chowkidar with whom petitioners are on an inimical term.

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. 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 Rafiganj P.S. Case No. 138 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner nos. 1 and 2 have antecedent of more than two cases and



petitioner nos. 3 and 4 have antecedent of even one case in that event,
the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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