

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39330 of 2024

Arising Out of PS. Case No.-174 Year-2024 Thana- WAJIRGANJ District- Gaya

1. Chandan Kumar Son of Kapil Chauhan R/O Vill.- Ukhara (Badhi-Bigha),
P.S.- Wazirganj, Dist.- Gaya
2. Dharamdeo Kumar @ Bablu Kumar @ Bablu @ Dharmendra Kumar @
Mamu Son of Somar Mahto R/O Vill.- Kenar, P.S.- Wazirganj, Dist.- Gaya
3. Kapil Chauhan Son of Dudhnath Chauhan R/O Vill.- Ukhara (Badhi-Bigha),
P.S.- Wazirganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Onkar Nath, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioners as well as
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 Bihar Prohibition and Excise Act, 2016 in connection with Wazirganj P.S. Case No.174 of 2024.

3. The learned counsel for the petitioners submit that the petitioners have antecedent of one case and the allegation is of recovery of 51.750 liters of liquor from a bamboo orchard.



4. It is next submitted 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 petitioners and is accessible to public at large and they came to be implicated at the instance of 'Chowkidar' with whom they are on an inimical term.

5. The learned APP for the State 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 six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.V, Gaya in connection with Wazirganj P.S. Case No.174 of 2024, subject to the conditions 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 antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of more than one case, in



that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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