

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40097 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- JHANJHARPUR District- Madhubani

1. ABDUL SALAM S/O MD. ISLAM R/O VILLAGE- ISLAMPUR, P.S- JHANJHARPUR, DIST.- MADHUBANI.
2. TIMA NAT @ HALIM S/O LATE HADISH NAT R/O VILLAGE- ISLAMPUR, P.S- JHANJHARPUR, DIST.- MADHUBANI.
3. ISLAM NAT S/O LATE HADISH NAT R/O VILLAGE- ISLAMPUR, P.S- JHANJHARPUR, DIST.- MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat

For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-07-2024 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 petitioners no. 1 has antecedent of six cases, petitioner no. 2 has antecedent of nine cases and petitioner no. 3 has antecedent of 13 cases and allegation is of recovery of 59.565 liters of liquor from a motorcycle.
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 they are not the owner of the seized motorcycle 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 of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

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. 65,000/- (Rupees Sixty Five 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 Jhanjharpur P.S. Case No. 63 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 petitioners shall verify the



criminal antecedent of the petitioners and in the event if it is found that petitioner no. 1 has antecedent of more than six cases, petitioner no. 2 has antecedent of more than nine cases and petitioner no. 3 has antecedent of more than thirteen cases in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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