

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39545 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- SAKRA District- Muzaffarpur

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1. Subham Kumar @ Shubham Kumar, Son Of Late Rajeev Mishra Village- Majhouli Pachdahi Ps- Sakra, Dist- Muzaffarpur
 2. Shivam Kumar, Son Of Late Rajeev Mishra Village- Majhouli Pachdahi Ps- Sakra, Dist- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan
For the Opposite Party/s : Mr.Braj Kishore Pd.(APP)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 23-07-2024 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 25.710 litres of liquor from husk house of the petitioners.
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 husk house is a



place outside the house and thus, is accessible to villagers at large and it appears that someone inimical to the family planted meager amount of liquor in order to implicate the petitioners and their family members. It is also 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.

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 six 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 Special Judge Excise Court No.1, Muzaffarpur in connection with Muzaffarpur Sakra P. S. Case No.195 of 2024, 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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