

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40238 of 2024

Arising Out of PS. Case No.-146 Year-2023 Thana- SALAIYA District- Aurangabad

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1. Pukar Yadav @ Ram Pukar Yadav Son of Chhotu Yadav R/O Village- Sonarchak, P.S.- Salaiya, Dist.- Aurangabad, Bihar
 2. Upendra Choudhary Son of Lachhu Choudhary R/O Vill.- Pipradih (Parsadih), P.S.- Salaiya, Dist.- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate
For the Opposite Party/s : Ms. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-08-2024 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases and petitioner no. 2 has antecedent of three cases.

4. Allegation is of recovery of 5 litres of liquor along with five quintals of mahua flower from Chalho hill.

5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even the alleged



recovery is from a place which does not belong to the petitioners and is accessible to public at large. It is further submitted that petitioners came to be implicated at the instance of the local persons but then the police in majority of the cases implicate either at the instance of the Chawkidar, local people, secret information or confessional statement in a mechanical manner without holding proper investigation of the case. It is next submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Salaiya P.S. Case No. 146 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting



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

(Satyavrat Verma, J)

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