

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40095 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- WARISLIGANJ District- Nawada

1. Girani Yadav @ Giridhar Kumar Son of Late Ramdev Yadav Resident of Village- Basochak, P.S.- Warisaliganj, District- Nawada
2. Pramod Yadav Son of Mandal Yadav Resident of Village- Basochak, P.S.- Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

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 learned counsel for the petitioners submits that inadvertently at Para-3 of the anticipatory bail application it has been pleaded that petitioners are persons with clean antecedent when petitioner no. 1 has antecedent of six cases and petitioner no. 2 has antecedent of one case.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

4. Learned counsel for the petitioners submits that allegation is of recovery of 2 liters of liquor along with 5000



liters of jaggery solution from South canal of Basochak.

5. 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 even the 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. It is also submitted that if the *Chowkidar* was aware of the involvement of the petitioner 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.

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, 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. 30,000/- (Rupees Thirty 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



Warisaliganj P.S. Case No. 129 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. 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 and petitioner no. 2 has antecedent of more than one case in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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