

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43770 of 2024

Arising Out of PS. Case No.-85 Year-2024 Thana- RAJAOLI District- Nawada

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1. Bhuna Turiya Son of Baigan Turiya Resident of Village- Hathochak, P.S- Rajauli, Dist- Nawada
 2. Upendra Manjhi Son of Mahavir Manjhi Resident of Village- Mohkama , P.S- Rajauli, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 11-07-2024 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 Sections 30(c) and 30(d) of the Excise Act.
3. The learned counsel for the petitioners submits that the petitioners has antecedent of one case and the allegation is of recovery of 4000 litres of fermented mahua solution from Barahmasiya forest and satkhatiyan forest.
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 even alleged recovery is from a place, which does not belong to the petitioner and is accessible to public at large and they came to be implicated at the instance of Chaukidar with whom they are on an inimical term.

5. Learned A.P.P. opposes the 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. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-IIInd, Nawada in connection with Rajauli P. S. Case No.85 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 more than two cases, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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