

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40994 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- KOCHAS District- Rohtas

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1. Kamlesh Chauhan @ Kamlesh Kumar Son of Shyam Narayan Chauhan R/O Village and P.O. and P.S.- Kochas, Ward No. 14, District- Rohtas.
 2. Lallu Chauhan @ Lallu Kumar @ Lalu Chouhan Son of Shyam Narayan Chauhan R/O Village and P.O. and P.S.- Kochas, Ward No. 14, District- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary
For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-07-2024 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 are persons with clean antecedent and allegation is of recovery of 2 liters of liquor along with 1 Kg of Sodium Chloride and other articles as detailed in the FIR from the house Munna Kumar Chauhan.
4. Learned counsel for the petitioners submits that the petitioners were not apprehended 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 petitioners and petitioners have no connection or relation with Munna Kumar Chauhan and they came to be implicated at the instance of Chowkidar with whom they are on an inimical term. It is further submitted that if 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 cast 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. 500/- (Rupees Five Hundred) 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 Kochas P.S. Case No. 88 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 petitioners have antecedent of even one case in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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