

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44274 of 2024

Arising Out of PS. Case No.-746 Year-2023 Thana- MADHAURAH District- Saran

1. Daharu Nut @Daharoo Nat S/O Saral Nut R/O Village Mirzapur Wajitpur Bhorha, P.S. Marhowrah, Distt-Saran(Chapra)
2. Mantu Nut S/O Daharu Nut R/O Village Mirzapur Wajitpur Bhorha, P.S. Marhowrah, Distt-Saran(Chapra)
3. Sonu Nut S/O Daharu Nut R/O Village Mirzapur Wajitpur Bhorha, P.S. Marhowrah, Distt-Saran(Chapra)
4. Balli Nut S/O Dinesh Nut R/O Village Mirzapur Wajitpur Bhorha, P.S. Marhowrah, Distt-Saran(Chapra)

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-08-2024 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 offences punishable under Section 30(a) of the Bihar Excise Act and Sections 147, 148, 149, 341, 323, 325, 332, 333, 307 and 353 of Indian Penal Code.
3. Learned counsel for the petitioners submits that the petitioner Nos. 1 and 3 have antecedent of two cases, while petitioner Nos. 2 and 4 have antecedent of one case, and allegation is of recovery of 75 litres of liquor from a place near



a canal.

4. 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 alleged recovery is from a place which is accessible to public at large and does not belong to the petitioners and they came to be implicated at the instance of *Chowkidar*. It is also submitted that in majority of the cases, the police, in a mechanical manner, implicates either at the instance of Chowkidar, local person, secret information and confessional statement without holding proper investigation.

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. 10,000/- (Rupees Ten 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 Marhowrah P.S. Case No. 746 of 2023 subject to the conditions



as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedents of the petitioners and in the event if it is found that the Petitioner Nos. 1 and 3 have more than two antecedent and Petitioner No. 2 and 4 have more than one antecedent, in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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