

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 41098 of 2024

Arising Out of PS. Case No.-411 Year-2024 Thana- Excise P.S. District- Aurangabad

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1. ARUN YADAV SON OF SARYU YADAV RESIDENT OF VILLAGE - BISHRAMPUR, P.S. - DEV, DISTRICT - AURANGABAD, BIHAR
 2. AJAY BHUIYA SON OF CHANDIP BHUIYA RESIDENT OF VILLAGE - BISHRAMPUR, P.S. - DEV, DISTRICT - AURANGABAD, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupa Kumari

For the Opposite Party/s : Mr. Madhuri Lata

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 Sections 30(a) and 30(c) 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 70 liters of liquor along with 1000 kg of Jawa Mahua from a place near Keshar River.

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 petitioner and is accessible to public at large and they came to be implicated based on confessional statement of Kamlesh Yadav in police custody which does not have any evidentiary value.

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 Excise P.S. Case No. 411 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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