

Arising Out of PS. Case No.-27 Year-2024 Thana- KOTWA District- East Champaran

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... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
Ms. Rashmi Jha
Mr. Sagar Kumar
Mr. Sharad Kumar Verma
For the Opposite Party/s : Mr. Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 30(a), 32, 41(i) of the Excise Act.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the allegation is of recovery of 1080.720 litres of liquor from the house of Krishna Raj.

4. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even alleged



recovery is from a place, which does not belong to the petitioner and petitioner has no concern or relation with Krishna Rai. It is further submitted that similarly situated co-accused Vinod Yadav had approached this Court seeking anticipatory bail by filing Cr. Misc. No.28616 of 2024 and the same was allowed by an order 16.04.2024, as such, learned counsel based on parity seeks anticipatory bail.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.1, Motihari, East Champaran in connection with Kotwa (Bhopatpur) P. S. Case No.27 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 petitioner shall verify the



criminal antecedent of the petitioner and in the event, if it is found that petitioner has 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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