

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45970 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- JAGDISHPUR District- Bhojpur

1. Yogesh Yadav, S/O Lal Dhari Yadav @ Lal Dhari Singh R/O Village-Rupbandh, P.S- Jagdishpur, Distt.- Bhojpur.
2. Sonu Yadav, S/O Lal Dhari Yadav @ Lal Dhari Singh R/O Village-Rupbandh, P.S- Jagdishpur, Distt.- Bhojpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Krishna

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 19-07-2024 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 Section 30(a) of the Excise Act.
3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the allegation is of recovery of 88 litres of liquor from an auto.
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 are not the owner of the seized auto and they came to be implicated based on the



confessional statement of apprehended accused in police custody, which does not have any evidentiary value.

5. Learned A.P.P. opposes the anticipatory 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.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Arrah in connection with Jagdishpur P. S. Case No.122 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 even one case, in that event, the present anticipatory bail application shall not be given effect to.

9. However, it is made clear that the learned trial



Court before accepting the bail bonds of the petitioners shall verify the ownership of the seized auto and in the event, if it is found that auto is registered in the name of any of the petitioners, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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