

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44563 of 2024

Arising Out of PS. Case No.-217 Year-2022 Thana- Excise P.S. District- Madhepura

1. Rajesh Kumar S/o Shivanandan Yadav @ Shivan Yadav R/o vill - Dayalpur, ward no. 2, P.S. - Gamharia, Distt. - Madhepura
2. Shivanandan Yadav @ Shivan Yadav S/o Late Parmeshwari Yadav R/o vill - Dayalpur, ward no. 2, P.S. - Gamharia, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seeks bail in anticipation of their arrest in a case registered in connection with Madhepura Excise PS Case No. 217/2022 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of three cases and petitioner no. 2 has got clean antecedent and allegation is of recovery of 1.5 litres of liquor from possession of Pravesh Kumar. It is next submitted that the petitioners were not arrested from the spot, as



such, nothing was recovered from their conscious possession and they came to be implicated based on confession statement of apprehended accused, Pravesh Kumar in police custody which does not have any evidenciary value.

4. Learned A.P.P. opposes the bail application.

5. 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.15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII-cum-Special Judge Excise-II, Madhepura in connection with Madhepura Excise P. S. Case No. 217/2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

7. 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 petitioner no.1 has antecedent of more than three cases and petitioner no.2 has antecedent of even one case, in



that event, the present anticipatory bail application shall not be
given effect to.

(Satyavrat Verma, J)

perwez

U		T	
---	--	---	--

