

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45350 of 2024

Arising Out of PS. Case No.-459 Year-2021 Thana- CHHATAUNI District- East Champaran

1. Prabhu Sah S/o Mahendra Sah R/o vill - Bariyarpur, P.s .- Chhatauni, Distt. - East Champaran
2. Shyambabu Sah S/o Prabhu Sah R/o vill - Bariyarpur, P.s .- Chhatauni, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehends their arrest in a case registered for the offences punishable under Sections 30(A) and 41(i) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners are person with clean antecedent and allegation is of recovery of 17 liters of liquor from a Litchi Orchard.

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 does not belong to the petitioners and is accessible to public at large and they came to be implicated at the



instance of local persons. It is next submitted that police in majority of the case is implicating innocent person either at the instance of Chowkidar or local person without disclosing the name of the local person who disclosed the name of the accused person which cast an aspersion on the case of the prosecution.

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) 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 Chhatauni P.S. Case No. 459 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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 more than one case in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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