

Arising Out of PS. Case No.-89 Year-2024 Thana- MURLIGANJ District- Madhepura

1. Gangesh Hembram son of Lakhan Hembram Village- Jorgama Ward No.02 PS- Murliganj District- Madhepura
2. Dharmendar Kumar @ Dharmendar Kumar Yadav son of Late Dinesh Yadav Village- Tamout Parsa W.No-7, Ps- Murliganj Dist- Madhepura
3. Rajeev Kumar son of Mahadev Yadav Village- Tamout Parsa W.No-8, Ps- Murliganj Dist- Madhepura
4. Pramod Kumar son of Bechan Yadav Village- Tamout Parsa W.No-7, Ps- Murliganj Dist- Madhepura
5. Anoj Kumar son of Abhinandan Yadav Village- Jorgama Ward No.06 PS- Murliganj District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav, Advocate

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-07-2024 1. Heard learned counsel for the petitioners as well as
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 Bihar Prohibition Excise Act, 2018 in connection with Murliganj P.S. Case No.89 of 2024.

3. The learned counsel for the petitioners submit that the petitioner no.1 is a person with clean antecedent and petitioner no.2 to 5 have antecedent of one case and allegation is of recovery of 64 liters of liquor from a canal near the house of



Gangesh Hembram.

4. It is next submitted that 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 is accessible to public at large and does not belong to the petitioners and they came to be implicated at the instance of local persons, but then the name of the person who disclosed the name of the petitioner is not disclosed in the FIR, which cast an aspersion on the case of the prosecution.

5. The learned APP for the State 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 his furnishing bail-bonds in the sum of Rs.5000/- (Rupees Five Thousand) 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 Murliganj P.S. Case No.89 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, 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 even one case and petitioner no.2 to 5 has antecedent of more than one case, in that event, the present anticipatory bail order shall not be given effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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