

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45542 of 2024

Arising Out of PS. Case No.-744 Year-2023 Thana- KAUWAKOL District- Nawada

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1. Govind Yadav S/O Moti Yadav Resident of village- Karitand, PS- Garhi, District- Jamui
 2. Pankaj Yadav S/O Samar Yadav R/O Village-Chananwar, P.S.-Khaira, Distt- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sheo Nandan Prasad, Advocate
		Mr. Rajnish Kumar, Advocate
For the Opposite Party/s	:	Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-07-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.
4. Allegation is of recovery of 9.750 litres of liquor from two motorcycles.
5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and they came to be implicated as they are owner of the seized vehicles. It is further



submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that petitioners were completely unaware that Lalan Kumar son of Govind Yadav would misuse the vehicle in the manner as alleged along with his friend who was also apprehended from the spot.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kauwakol P.S. Case No. 744 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and if it is found that petitioners



have antecedent of even one case in that event the present
anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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