

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46585 of 2024

Arising Out of PS. Case No.-337 Year-2024 Thana- SONEPUR District- Saran

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1. Guddu Rai @ Guddu Kumar S/O- Late Ganesh Ray Resident of Village- Sabalpur Chaharam, P.S.- Sonepur, Distt.- Saran
 2. Pankaj Kumar S/O- Late Ganesh Ray Resident of Village- Sabalpur Chaharam, P.S.- Sonepur, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr.Sangeeta Sharma, 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 and Excise Act, 2022 in connection with Sonepur P.S. Case No.337 of 2024.

3. The learned counsel for the petitioners submit that the petitioner no.1 has antecedent of three cases and petitioner no.2 has antecedent of two cases and allegation is of recovery of 972 liters of liquor from a boat.

4. It is next submitted 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 boat



and they came to be implicated at the instance of 'Chowkidar' with whom they are on an inimical term. It is also submitted that police in majority of the cases implicates mechanically either at the instance of the Chowkidar or local person.

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.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Sonapur P.S. Case No.337 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 more than three cases and petitioner no.2 has antecedent of more than two cases, 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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