

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47290 of 2024

Arising Out of PS. Case No.-274 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

1. Kundan Kumar Son of Vishwanath Sah R/O Vill- Bailhatta Pokhra, P.S.- Siwan Town, Dist.- Siwan
2. Akash Kumar Son of Gabbar Ram @ Gabbar Basfor R/O Vill- Bailhatta Pokhra, P.S.- Siwan Town, Dist.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh
For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-07-2024 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 offences punishable under Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that the petitioner no. 1 has antecedent of two cases and petitioner no. 2 has antecedent of one case and allegation is of recovery of 75 liters of liquor from a motorcycle.
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 they are not the



owner of the seized motorcycle and they came to be implicated at the instance of *Chowkidar* with whom they are on an inimical term. It is also submitted that it absolutely does not stand to reason that if the *Chowkidar* was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the FIR, which further casts 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. 10,000/- (Rupees Ten Thousand) each 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 Siwan Mufassil P.S. Case No. 274 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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 petitioner no. 1 has antecedent of more than two cases and petitioner no. 1 has 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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