

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45500 of 2024

Arising Out of PS. Case No.-397 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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1. SUNIL YADAV SON OF LATE MANEJAR YADAV VILLAGE-
BALUAHA, WARD NO. 08, (BHATRANHA), P.S.- GHAILARDH
(O.P.), DISTT.- MADHEPURA
 2. GUDDU KUMAR @ GUDDOO KUMAR SON OF PRAMOD YADAV @
PRAMOD KUMAR YADAV VILLAGE- BALUAHA, WARD NO. 08,
(BHATRANHA), P.S.- GHAILARDH (O.P.), DISTT.- MADHEPURA
 3. NARESH YADAV @ NARESH KUMAR SON OF MATAR YADAV
VILLAGE- BALUAHA, WARD NO. 08, (BHATRANHA), P.S.-
GHAILARDH (O.P.), DISTT.- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar
For the Opposite Party/s : Md. Anzarul Haque Sahara

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 offences punishable under Sections 30(a) 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 171 liters of liquor from a place near the house of
Sunil Yadav.
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 the alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large, but then is adjacent to the house of Sunil. It is further submitted that petitioners came to be implicated by the local person but then the name of the person who disclosed the name of the petitioners is not disclosed in the FIR which 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. 500/- (Rupees Five Hundred) 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 Madhepura Excise P.S. Case No. 397 of 2019-2020 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 any of the 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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