

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47418 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Ritesh Kumar Sharma @ Ritesh Kumar S/O Raja Sharma R/O Village-Sara Mohanpur,P.S.-Sadar, Dist-Darbhang
 2. Guddu Yadav S/O Ganga Prasad Yadav R/O Village-Khutwara,P.s.-Sadar,Distt-Darbhang

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-07-2024 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 272, 273 of the Indian Penal Code and Sections 30(a), 36, 38(i) and 41(i) of Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 617.760 litres of liquor from a pick up van and two motorcycles. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and they came to be implicated based on



the fact that they are owners of the two seized motorcycles. It is next 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 thus submitted that the petitioners were completely unaware that their friend would misuse his vehicle in the manner as alleged when petitioners admittedly are persons with clean antecedent.

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

5. 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 trial court where the case is pending/successor court in connection with Sadar P.S. Case No.69/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedents of the petitioners and in the event 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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