

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46288 of 2024

Arising Out of PS. Case No.-118 Year-2024 Thana- CHARPOKHARI District- Bhojpur

1. Bijendra Kumar Singh @ Birendra Yadav @ Birendra Singh S/O Govardhan Singh
2. Rajnish Kumar @ Kariya S/O Bijendra Kumar Singh @ Birendra Yadav Both R/O Village- Tingharwa Tola, P.S.- Charpokhari, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate Dr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioners, Dr. Rajesh Kumar Singh 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, 2018 in connection with Charpokhary P.S. Case No.118 of 2024.

3. The learned counsel for the petitioners submit that the petitioners have antecedent of one case and allegation is of recovery of 60 liters of liquor from bank of Banas river.

4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and is accessible to



public at large and they came to be implicated at the instance of Chowkidar with whom they are on an inimical term. It is also submitted that if 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 instant FIR, which cast an aspersion of the case of the prosecution.

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.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Court No.I, Bhojpur at Ara in connection with Charpokhary P.S. Case No.118 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than one case, in



that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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