

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50054 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- JALALPUR District- Saran

1. Manoj Nut Son Of Dharmanath Nut Village- Mangolpur, P.S.- Jalalpur, Distt.- Saran At Chapra
2. Dharmvir Ram Son Of Dharmnath Ram Village- Bishnpura, P.S.- Jalalpur, Distt.- Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Kumar Pandey

For the Opposite Party/s : Mr.Shailendra Kumar

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 one case and petitioner No. 2 is a person with clean antecedent and allegation is of recovery of 15 litres of liquor from the hut of petitioner No. 1 and 10 litres of liquor from the hut of petitioner No. 2.

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 alleged recovery is from a place which does not belong to the petitioners. It is further submitted that it has been specifically asserted and stated at para-6 that petitioners are not owners of the hut. It is thus submitted that this amply demonstrates that how police in mechanical manner implicates at the instance of *Chowkidar* and local persons.

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. 5,000/- (Rupees Five 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 Jalalpur P.S. Case No. 130 of 2024, subject to the conditions as 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 petitioners shall verify the criminal antecedents of the petitioners and in the event if it is



found that the petitioner No. 1 has antecedent of more than one case and petitioner No. 2 has 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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