

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46816 of 2024

Arising Out of PS. Case No.-224 Year-2024 Thana- MASAUDHI District- Patna

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1. Rakesh Kumar, S/o Siya Sharan Prasad @ Siya Sharan Yadav R/o village-Badribigha, P.S.- Masauhri, District-Patna
 2. Mukesh Kumar, S/o Siya Sharan Yadav R/o village-Badribigha, P.S.- Masauhri, District-Patna
 3. Gaurav Kumar, S/o Late Dinanath Sao @ Dina Prasad Sao R/o Village-Sangatpur, P.S.-Masauhri, District-Patna
 4. Nitish Kumar, S/o Sri Brij Lala Kumar R/o Village-Shivnandan Chowk, P.S.-Bhagwanganj, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vaishnavi Singh Mr. Ritwik Thakur Mr. Purushottam Kumar
For the Opposite Party/s	:	Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest
in a case registered for the offences punishable under Section
30(a) of the Excise Act.

The learned counsel for the petitioners submits that
the petitioner nos.1, 2 and 4 have antecedent of four cases and
petitioner no.3 is a person with clean antecedent and the
allegation is of recovery of 93.75 litres of liquor from a place
near the house of Naushal Kumar.



The learned counsel for the petitioners submits 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 based on confessional statement of Naushal Kumar in police custody, which does not have any evidentiary value.

Learned A.P.P. opposes the anticipatory bail application.

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 their furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Masaurhi P. S. Case No.224 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

It is made clear that 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 nos.1, 2 and 4 have antecedent of more than four cases and petitioner no.3 has antecedent of even one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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