

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49152 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- SIMRA District- West Champaran

1. Mahesh Khatik SON OF Thagu Khatik R/O Village- Manjhariya Tola Parsauni, P.S.- Bhairoganj, Dist. -West Champaran
2. SOHAN KUMAR @ SOHAN RAM SON OF BHOLA RAM R/O VILLAGE- KADMAHWA TOLA, PS- BHAIROGANJ, DIST- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-07-2024 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases and petitioner no. 2 is a person with clean antecedent.

4. Allegation is of recovery of 54 litres of liquor from a motorcycle.

5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further



submitted that petitioners are not the owner of the motorcycle but then petitioner no. 1 came to be implicated as he is brother of the owner of the motorcycle. 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.

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

7. Considering the submissions made by the learned counsel for the petitioners, let 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.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Semra P.S. Case No. 31 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner no. 1 has antecedent of more than two cases 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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