

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48787 of 2024

Arising Out of PS. Case No.-377 Year-2023 Thana- MANJHI District- Saran

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1. ANIL YADAV @ ANIL KUMAR YADAV SON OF SHRI NIWAS YADAV
 2. SANJAY YADAV SON OF RAGHUAJ YADAV
 3. DHARMENDRA YADAV SON OF SHRI NIWAS YADAV
- ALL ARE R/O- VILLAGE- BHABHAULI, P.S.- MANJHI, DISTT.- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh No. I, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 23-07-2024 1. Heard learned counsel for the petitioners 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 30/30(a) of the Bihar Prohibition and Excise Act in connection with Manjhi P.S. Case No.377 of 2023.

3. The learned counsel for the petitioners submit that the petitioners are person with clean antecedent and the allegation is of recovery of 200 liters of liquor from bank of Saryug 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 is accessible to public at large and does not belong to the petitioners and they came to be implicated came to be implicated based on confessional statement of Shambhu in police custody which does not have any evidentiary value.

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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Manjhi P.S. Case No.377 of 2023, 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 petitioners shall verify the criminal antecedent 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.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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