

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51952 of 2024

Arising Out of PS. Case No.-194 Year-2024 Thana- KHAIRA District- Jamui

1. Pramod Yadav S/o Bhutai Yadav R/o vill - Bojhayat, P.S. - Khaira, Distt. - Jamui
2. Dyanand Yadav @ Dayanand Kumar Yadav S/o Munshi Yadav R/o vill - Khiara, P.S. - Khaira, Distt. - Jamui
3. Deepak Mishra S/o Dilip Mishra R/o vill - Khiara, P.S. - Khaira, Distt. - Jamui
4. Dharam Mishra S/o Rajendra Mishra R/o vill - Khiara, P.S. - Khaira, Distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Deo, Advocate
For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-08-2024 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(a) of the Bihar Prohibition and Excise Act in connection with Khaira P.S. Case No.194 of 2024.

3. The learned counsel for the petitioners submit that petitioner no.1 and 2 are persons with clean antecedent and petitioner no.3 and 4 have antecedents of two cases and the allegation is of recovery of 21.75 liters of liquor from a motorcycle.



4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from his conscious possession and are not the owner of the seized vehicle and they came to be implicated at the instance of Chowkidar. It is next submitted that the Chowkidar in order to save the real owner of the liquor i.e. the real owner of the motorcycle, falsely implicated the petitioners.

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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Exclusive Excise Court, Jamui in connection with Khaira P.S. Case No.194 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, 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 no.1 and 2 has antecedent of even one case and
petitioner no.3 and 4 has antecedent of more than two cases, in
that event, the present anticipatory bail order shall not be given
effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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