

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54638 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- BALIGAON District- Vaishali

-
1. Raj Kishore Kumar @ Kishore Kumar Son Of Suresh Sahni
 2. Raushan Kumar Shekhar So Of Raj Ballav Rai
- Both are R/O- Village- Rupanpatti, P.S.- Baligaon, Distt.- Vaishali At Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 06-08-2024 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 Baligaon P.S. Case No.53 of 2024.

3. The learned counsel for the petitioners submit that the petitioners are person with clean antecedent and the allegation is of recovery of 3.270 liters of liquor from a hut in cowshed of Raj Kishore Kumar (Petitioner No.1.), which is constructed on the land of Raushan Kumar (Petitioner No.2).

4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their



conscious possession and petitioner no.1 is suffering from leprosy for the past two years and is not in a position to move frequently and the said land is ancestral property of petitioner no.2 recorded in the name of his grandfather.

5. It is also submitted that it appears that someone inimical to the family planted meagre amount of liquor in order to implicate the petitioners and their family members. It is also submitted no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and thus would get implicated.

6. The learned APP for the State opposes the anticipatory bail application.

7. 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 Exclusive Special Court No.1-cum-ADJ, Vaishali at Hajipur in connection with Baligaon P.S. Case No.53 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



8. 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.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

U		T	
---	--	---	--

