

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53164 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- Nehra District- Darbhanga

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1. Md. Sitare Son of Md. Phool Babu @ Fool Babu Resident of Vill- Sakri Station Road Brahmpur, P.S.- Manigachhi, District- Darbhanga
 2. Phool Babu @ Fool Babu Son of Md. Idris R/o of vill- Sakri Station Road Brahampur, P.S- Manigachhi, Dist- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhumala Kumari
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-08-2024 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 offences punishable under Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that petitioners are person with clean antecedent and allegation is of recovery of 81 liters of liquor from an Auto.
4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and petitioner no. 2 came to be implicated based on the fact that he is owner of the



seized Auto. 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, it is further submitted that petitioner no. 2 was completely unaware that Rohit would misuse the Auto in the manner as alleged, who was also apprehended from the spot and implicated petitioner no. 1 in his confessional statement before police which does not have any evidentiary value.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nehra P.S. Case No. 10 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear 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 any of the petitioners have 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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