

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49978 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

1. Lalbabu Sahni @ Lalbabu Kumar S/o Ramdev Sahni R/o Village- Hussepur Naya Tola, P.S.- Sahebganj, District- Muzaffarpur
2. Ramekbal Sahni S/o Budhan Sahni R/o Village- Hussepur Naya Tola, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey

For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 30-08-2024 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 Sections 272 and 273 of the Indian Penal Code read with Sections 30(a) and 30(d) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case and petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 120 liters of liquor from a place near bank of *Gandak* river.

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 even the alleged recovery is from a place which does not belong to the petitioner and is accessible to public at large and they came to be implicated at the instance of *Chowkidar*, but then it is submitted that in majority of the



cases police implicates accused persons either at the instance of *Chowkidar*, local person, secret information or confessional statement in a mechanical manner without holding a proper investigation.

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. 5,000/- (Rupees Five 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 Sahebganj P.S. Case No. 92 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 their criminal antecedent and in the event if it is found that petitioner no. 1 has antecedent of more than one case 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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