

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49879 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- MESKAUR District- Nawada

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1. MANTU CHOUDHARY @ ABHISHEK KUMAR S/O PARMESHWAR CHAUDHARY R/O VILLAGE- HARLA, P.S- MESHKAUR, DISTT.- NAWADA.
 2. LAL BABU CHOUDHARY @ LAL BABU S/O RAM PRASAD CHAUDHARY R/O VILLAGE- BANDHI, P.S- MESHKAUR, DISTT.- NAWADA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Ranjan, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 09-09-2024 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 Sections 30(a), 41 of the Bihar Prohibition and Excise Act in connection with Meshkaur P.S. Case No.16 of 2024.
3. The learned counsel for the petitioners submit that the petitioner no.1 has antecedent of one case and petitioner no.2 is a person with clean antecedent as would manifest from the pleadings made in the supplementary affidavit and the allegation is of recovery of 135 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 their conscious possession and are not the owner of the motorcycle and they came to be implicated based on confessional statement of Kundan 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.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, Nawada in connection with Meshkaur P.S. Case No.16 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 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.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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