

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51733 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- BARAULI District- Gopalganj

1.

SUSHIL KUMAR KUSHWAHA SON OF SANTOSH KUSHWAHA
RESIDENT OF VILLAGE - RATANSARAI, P.S. - BARAULI, DISTRICT
- GOPALGANJ
2.

RAJAN KUMAR @ RAJAN PRASAD SON OF SURENDRA BHAGAT
RESIDENT OF VILLAGE - RATANSARAI, P.S. - BARAULI, DISTRICT
- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Harshvardhan
For the Opposite Party/s : Ms. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

201-08-2024

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 offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 36.72 litres of liquor from a place behind Indian Gas Godown. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of chowkidar. It is further



submitted that it absolutely does not stand to reason that how the chowkidar identified the petitioners when they were not known to him.

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

5. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees five hundred) 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 Barauli P.S. Case No.143/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedents 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 to.

(Satyavrat Verma, J)

amit/-

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

