

Arising Out of PS. Case No.-110 Year-2024 Thana- SARMERA District- Nalanda

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-08-2024 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 petitioner no.1 has antecedent of one case. It is next submitted that at paragraph '3' inadvertently it has been pleaded that petitioner no.2 is a person with clean antecedent when he also has antecedent of one case. It is next submitted that allegation is of recovery of 13 litres of liquor from two gallons allegedly left by the petitioners.



4. Learned counsel for the petitioners submits that the 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 the local people but then submits that police in majority of the cases implicates either at the instance of local people or *chowkidar* in a mechanical manner without holding 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 Sarmera P.S. Case No. 110 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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 the petitioners have antecedent of more than one case, in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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