

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53273 of 2024

Arising Out of PS. Case No.-169 Year-2024 Thana- NOORSARAI District- Nalanda

1. Mantu Yadav S/O Ayodhya Yadav R/O- Village- Koklachak, P.S- Noorsarai, Dist.- Nalanda.
2. Shesh Kumar S/O Late Babuchand Yadav R/O- Village- Koklachak, P.S- Noorsarai, Dist.- Nalanda.
3. Bhaalu Yadav @ Indrajit Kumar S/O Late Babuchand Yadav R/O- Village- Koklachak, P.S- Noorsarai, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar
For the Opposite Party/s : Mr. Kanhiya Kishor

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 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 200 litres of liquor from possession of Ankit Kumar. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and they came to be implicated based on



confessional statement of Ankit Kumar in police custody, which does not have any evidentiary value and also at the instance of chowkidar, with whom they are on an inimical term.

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 Noorsarai P.S. Case No.169/2024, 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.

7. Today 40 cases relating to excise was taken up. In



40 cases, there were 56 petitioners, out of 56 petitioners, 38 petitioners were persons with clean antecedent and the amount of liquor seized is 3368.725 litres apart from 816 litres of codeine cough syrup, 150 litres of Jawa Mahua, as such, the total recovery comes to 4334.725 litres. The figure amply demonstrates that out of 56 accused, 38 were first time offenders and in 21 cases out of 40, the recovery of liquor is less than 30 litres.

(Satyavrat Verma, J)

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