

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55355 of 2024

Arising Out of PS. Case No.-452 Year-2024 Thana- Excise P.S. District- Lakhisarai

1. AVINASH KUMAR @ AHIVAS KUMAR S/O KARU YADAV
2. DIPAK KUMAR @ PRAKASH KUMAR S/O KARU YADAV
Both are Resident of Village- Gurdih, Ward No. 1, P.S.- Kiul, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shaukat Alam, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-08-2024 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 and 45 of the Bihar Prohibition and Excise Act in connection with Lakhisarai Excise P.S. Case No.452c2 of 2024.
3. The learned counsel for the petitioners submit that the petitioners are person with clean antecedent and the allegation is of recovery of 129 liters of liquor from a place near bank of a river.
4. 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 based on confessional statement of apprehended accused in police custody which does not have any evidentiary value, when petitioners admittedly are person with clean antecedent.

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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, Vth-cum-Special Excise Court, 2nd, Lakhisarai in connection with Lakhisarai Excise P.S. Case No.452c2 of 2024, subject to the conditions 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 antecedent 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.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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