

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53824 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- KASMA District- Aurangabad

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1. Jitendra Yadav @ Jitendra Kumar @ Stil S/o- Naresh Yadav Village- Garaj bigha, P.S. Salaiya, Dist- Aurangabad
 2. Munna Yadav son of Surendra Yadav Village- Garaj bigha, P.S. Salaiya, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2024 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 Sections 30(a), 34 of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of one case and the petitioner no.2 has antecedent of two cases and allegation is of recovery of 415litres of liquor from a pick up vehicle. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and is not the owner of the seized vehicle and they came to be implicated at



the instance of local people. It is also submitted that police in majority of the cases implicates either at the instance of chowkidar, local person, secret information or confessional statement without holding proper investigation in a mechanical manner. It is next submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically.

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.10,000/- (Rupees ten 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 Kasma P.S. Case No.14/2024, 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 petitioner no.1 has antecedent of more than one case and the petitioner no.2 has antecedent of more than two cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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