

Arising Out of PS. Case No.-315 Year-2023 Thana- SIRDALA District- Nawada

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- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manmohan Kumar, Advocate

For the Opposite Party/s : **Mr.Pradeep Narain Kumar, APP**

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 14-08-2024

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) and 41 of the Bihar Prohibition and Excise Act

in connection with Sirdalla (Meskaur OP) P.S. Case No.315 of 2023.

3. The learned counsel for the petitioners submit that

inadvertently at para-3 it has been pleaded that petitioner no.2 is

a person with clean antecedent when he has antecedent of three

cases and petitioner no.1 is a person with clean antecedent and

the allegation is of recovery of 315 liters of liquor from three

motorcycles.



4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and they are not owner of any of the seized motorcycle and they came to be implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value. It is also submitted that police at times in order to save the real culprits falsely implicates those who have antecedents.

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.15,000 /- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-I, Nawada in connection with Sirdalla (Meskaur OP) P.S. Case No.315 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, 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 petitioner no.1 has antecedent of even one case and petitioner no.2 has antecedent of more than three cases, in that event, the present anticipatory bail order shall not be given effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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