

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57636 of 2024

Arising Out of PS. Case No.-241 Year-2024 Thana- BAIRIYA District- West Champaran

1. Munna Sah @ Munna Kumar S/o Jagarnath Sah @ Lalit Sah @ Lalit Kumar @ Lalita Kumar R/o vill - Pakhnaha Jagiraha, P.S. - Bairiya, Distt. - West Champaran
2. Shambhu Yadav S/o Jidaar Yadav @ Jildaar Yadva R/o vill - Dumariya, ward no. 8, P.S. - Bairiya, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam
For the Opposite Party/s : Mr. Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-08-2024 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 274, 275 of B.N.S. and Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of one case and petitioner no.2 has antecedent of two cases and allegation is of recovery of 293.485 litres of liquor from a Scorpio vehicle. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and are not the owners of the seized scorpio vehicle and they came



to be implicated at the instance of chowkidar, with whom they are on an inimical term. It is also submitted that if chowkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant F.I.R., which casts an aspersion on the case of prosecution.

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 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 Bairiya P.S. Case No.241/2024, 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 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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