

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58910 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- SALAIYA District- Aurangabad

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1. Vinod Chauhan S/o Bisheshwar Chauhan
 2. Amit Chouhan S/o Vinod Chauhan, Both R/O Village Dipti Bigha, P.S-
Salaiya, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 19-08-2024 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 Section 30(a) of the Bihar Prohibition and Excise Act in connection with Salaiya P.S. Case No.43 of 2024.

3. The learned counsel for the petitioners submit that the petitioners are persons with clean antecedent and allegation is of recovery of 20 liters of liquor from a mountain region.

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 and they came to be implicated at the instance of local villager, but then the name of the person who disclosed the name of the petitioners is not disclosed in the FIR, which cast an aspersion on the case of the prosecution.

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 Special Judge, Excise-I, Aurangabad in connection with Salaiya P.S. Case No.43 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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