

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59975 of 2024

Arising Out of PS. Case No.-226 Year-2024 Thana- KHAIRA District- Jamui

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1. Santosh Yadav @ Santosh Kumar @ Golu Yadav Son of Dwarika Yadav R/O Vill.- Baribag, P.S.- Khaira, Dist.- Jamui.
 2. Mantosh Yadav Son of Dwarika Yadav R/O Vill.- Baribag, P.S.- Khaira, Dist.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha
For the Opposite Party/s : Mr. Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 21-08-2024 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 Section 30(a) of Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of three cases and petitioner no.2 is a person with clean antecedent and allegation is of recovery of 30 litres of liquor from a sack allegedly thrown by the petitioner. 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 nor they have any connection with the sack and they came



to be implicated at the instance of chowkidar with whom they are on an inimical term.

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.15000/- (Rupees fifteen 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 Khaira P.S. Case No.226/2024, 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 three cases and petitioner no.2 has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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