

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62961 of 2024**

Arising Out of PS. Case No.-90 Year-2024 Thana- KHUTAUNA District- Madhubani

1. Rajeev Sah @ Rajeev Kumar Sah S/o Ram Ramudgar Sah
2. Durganand Sah @ Durganand Kumar Sah S/o Krishna Kumar Sah

both R/o Vill - Balanpatti, P.S. - Khutauna, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 03-09-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 274, 275/3(5) BNS23 and Section 30(a) of the Bihar Prohibition and Excise Act in connection with Khutauna P.S. Case No.90 of 2024.

The learned counsel for the petitioners submit that the petitioners are person with clean antecedent and the allegation is of recovery of 80.4 liters of liquor from an auto.



It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from his conscious possession and are not the owner of the seized auto and they came to be implicated based on confessional statement of Sunil in police custody which does not have any evidentiary value.

The learned APP for the State opposes the anticipatory bail application.

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 Act, Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No.90 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

1. 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.

The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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