

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59837 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- AKBARPUR District- Nawada

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1. Sonu Kumar son of Shankar Yadav @ Shankar Prasad Yadav Resident of Village- Fatehpur, P.S.- Akbarpur, District- Nawada
 2. Prem Kumar son of Sunil Ram @ Sunil Rajbanshi Resident of Village- Fatehpur, P.S.- Akbarpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manmohan Kumar
For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-08-2024 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 offences punishable under Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits 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 allegation is of recovery of 350 liters of liquor from three motorcycles as detailed in the FIR.
4. Learned counsel for the petitioners submits that



petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and they came to be implicated based on the fact that they are owner of two of the seized motorcycles. It is next submitted that no prudent person would use his/their own vehicle for committing an occurrence and thus would create evidence against himself/themselves and hence would get implicated, it is also submitted that petitioners were completely unaware that their friend would misuse the vehicle in the manner as alleged.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (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 Akbarpur P.S. Case No. 165 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioners shall verify their criminal



antecedent 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.

(Satyavrat Verma, J)

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