

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60907 of 2024

Arising Out of PS. Case No.-124 Year-2024 Thana- ISUAPUR District- Saran

1. Sanjeet Rai @ Sanjeet Kumar S/O Bikrama Ray R/O Village - Lauva, P.S- Isuapur, District - Saran
2. Shailesh Rai @ Shailesh Kumar Yadav S/O Bikrama Ray R/O Village - Lauva, P.S- Isuapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-09-2024 Heard Mr. Hemant Kumar, learned Counsel for the
petitioners and Mr. Jitendra Kumar, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Isuapur P.S. Case No. 124 of 2024 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 08.05.2024 by the informant Sanjay Kumar Sharma.

3. As per the prosecution story, on secret information that the petitioners are selling liquor by keeping it behind the house in the bushes, the same was raided and 20 litre country made liquor recovered/seized. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that



only because of criminal antecedent, they have been implicated. The recovery is behind the house from the bushes, still they have been named in the FIR and both are young persons, students.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that they have criminal antecedent.

6. Though the petitioners have criminal antecedent, the recovery is not from their conscious possession and is behind the house from the bushes, FIR lodged, they will be facing the trial, this Court is inclined to grant them the anticipatory bail with conditions.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court 3rd Special Judge Excise Judge, Saran in connection with Isuapur P.S. Case No. 124 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official



document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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