

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59563 of 2024

Arising Out of PS. Case No.-248 Year-2024 Thana- BAIRIYA District- West Champaran

1. Pradeep Rao @ Dilip Kumar Rao S/O Vipin Rao R/O Village- Bairiya Tad, P.S- Bairiya, Distt.- West Champaran.
2. Mukesh Rao S/O Vipin Rao R/O Village- Bairiya Tad, P.S- Bairiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raki Alam

For the Opposite Party/s : Mr.Sucheta Yadav

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) and 41(1) of the Bihar Excise Act and Section 274, 275 and 3(5) of the BNS.

3. Learned counsel for the petitioners submits that the petitioners have antecedent of two cases and allegation is of recovery of 441.435 litres of liquor from three vehicles as detailed in the FIR.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and are not the owner of any of the seized vehicles. It is next submitted that they came to be implicated based on confessional statement of Rupesh Kumar in



police custody which does not have any evidentiary value.

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. 10,000/- (Rupees Ten 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 Bairiya P.S. Case No. 248 of 2024 subject to the conditions as 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 antecedents of the petitioners and in the event if it is found that the petitioners have more than two antecedent, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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