

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61229 of 2024

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

1. Vijay Kumar Sah @ Vijay Sah S/o- Rajalal Sah @ Raj Lal Sah Village-
Laukariya Ps- Bairiya Dist- West Champaran
2. Anshu Rao @ Chhotu @ Anshu Kumar Rao Son of Ashok Kumar @ Ashok
Rao Village- Laukariya Ps- Bairiya Dist- West Champaran
3. Jitendra Kumar Yadav @ Baicheni Kumar @ Baidheni @ Jitendra Kumar
son of Late Lakshman Yadav Village- Laukariya Ps- Bairiya Dist- West
Champaran
4. Chhotelal Kumar S/o- Ramesh Mahto Village- Laukariya Ps- Bairiya Dist-
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. Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-09-2024 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 Sections 274, 275,
3(5) BNS and Sections 30(a), 41(1) of Bihar Prohibition and
Excise Act.
3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and allegation is of
recovery of 441.435 litres of liquor from three different
vehicles. It is next submitted that 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 and they came to be implicated based on confessional statement of Rupesh in police custody, which does not have any evidentiary value. It is also submitted that police in majority of the cases implicates either at the instance of chowkidar, local person, secret information or confessional statement without holding proper investigation in a mechanical manner and at times to save the real culprit.

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.500/- (Rupees five hundred) 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.248/2024, 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 petitioners have 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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