

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61774 of 2024**

Arising Out of PS. Case No.-233 Year-2024 Thana- GOVINDGANJ District- East  
Champaran

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1. Milan Kumar @ Milan Singh Son of Lalbahadur Singh @ Virbahadur Pandey Resident of Village- Bankat, P.S.- Paharpur, District- East Champaran at Motihari
  2. Harinarayan Yadav @ Harinarain Yadav Son of Sital Yadav Resident of Chatiya Diyar, P.S. - Malahi, District - East Champaran
  3. Churaman Yadav Son of Devnan Yadav Resident of Village - Kotraha, P.S. - Nautan, District - East Champaran
  4. Amarjeet Yadav Son of Devnan Yadav Resident of Village - Kotraha, P.S. - Nautan, District - East Champaran
  5. Shivshankar Yadav Son of Mani Yadav Resident of Chatiya Diyar, P.S. - Malahi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Abhishek Ranjan  
For the Opposite Party/s : Mr.Shyam Bihari Singh

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      28-08-2024      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 the petitioner No. 1 has antecedent of one case and petitioner Nos. 2, 3 and 4 are persons with clean antecedent and allegation is of recovery of 160.92 litres of liquor from a motorcycle.



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 the seized motorcycle and they came to be implicated based on disclosure made by local person but then it is submitted that in majority of the cases, the police, in a mechanical manner, implicates either at the instance of Chowkidar, local person, secret information and confessional statement without holding a proper investigation.

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. 5,000/- (Rupees Five 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 Govindganj P.S. Case No. 233 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 petitioner No. 1 has antecedent of more than one case and petitioner Nos. 2, 3 and 4 have antecedent of even one case, in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

SUMIT/-

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