

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61706 of 2024

Arising Out of PS. Case No.-492 Year-2024 Thana- SONEPUR District- Saran

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1. Sonu Rai @ Sonu Kumar Rai Son of Parma Rai R/O Vill.- Sabalpur Chaharam, P.O. and P.S.- Sonepur, Dist.- Saran.
 2. Amit Kumar @ Amrit Kumar Rai Son of Kunja Ray @ Kujbihari Ray @ Kunjbihari Ray R/O Vill.- Sabalpur Chaharam, P.O. and P.S.- Sonepur, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh No. I, Advocate
For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioners submits that petitioners have antecedent of one case.
4. Allegation is of recovery of 816 litres of liquor from the bank of Ganga River.
5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even the alleged recovery is from a place which does not belong to the



petitioners and is accessible to public at large. It is further submitted that petitioners came to be implicated at the instance of the Chawkidar. It is next submitted that the police in majority of the cases implicate either at the instance of the Chawkidar, local people, secret information or confessional statement in a mechanical manner without holding proper investigation of the case.

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

7. Considering the submissions made by the learned counsel for the petitioners, let 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.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sonapur P.S. Case No. 492 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and if it is found that petitioners



have antecedent of more than one case in that event the present
anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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