

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64119 of 2024

Arising Out of PS. Case No.-116 Year-2024 Thana- JHANJHARPUR District- Madhubani

1. Premji Yadav Son of Bhubneshwar Yadav Village- Pachahi Ps- Madhepur Dist- Madhubani
2. Vimlesh Kumar @ Vimlesh Kumar Mahto Son of Rajendra Mahto Village- Jorla Ps- lakhnaur Dist- Madhubani
3. Bittoo @ Bittoo Kumar Son of Ashok Kumar Chaudhary Village Ps- Patiyali Dist- Kashiram Nagar U.P

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-09-2024 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, 338, 336(3), 340(2), 61, 3(5) of B.N.S., 2023 and Sections 30(a), 38, 41, 47 of Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of one case, petitioner no.2 has antecedent of four cases and petitioner n.3 is a person with clean antecedent and allegation is of recovery of 158.115 litres of liquor from a car. 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 the seized vehicle and they came to be implicated based on confessional statement of Kunal and Arun in police custody, which does not have any evidentiary value.

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.20,000/- (Rupees twenty 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 Jhanjharpur P.S. Case No.116/2024 (G.R. No.498/2024), 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 petitioner no.1 has antecedent of more than one case,



petitioner no.2 has antecedent of more than four cases and
petitioner no.3 has 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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