

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62675 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- DEWARIA District- Muzaffarpur

1. Sunny Kumar Son of Lalan Ray village- Budhanpur, Ps - Deoria, Dist- Muzaffarpur
2. Abhishek Kumar @ Avishek Kumar son of Late Shambhu Ray @ Shivshambhu Ray village- Budhanpur, Ps - Deoria, Dist- Muzaffarpur
3. Pankaj Kumar Son of Satynarayan Ray @ Satya Narayan Rai village- Budhanpur, Ps - Deoria, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-09-2024 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 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioners submits that inadvertently at para-3 it has been pleaded that petitioners are persons with clean antecedent when petitioner no.1 has antecedent of two cases, petitioner no.2 has antecedent of one case and petitioner no.3 is a person with clean antecedent and



allegation is of recovery of 25.50 litres of liquor from a motorcycle. 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 owners of the seized motorcycle and they came to be implicated based on confessional statement of Golu in police custody, which does not have any evidentiary value, after amendment in the excise act in the year 2018.

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.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 Deoria (Dewariya) P.S. Case No.122/2024, 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 two cases, petitioner no.2 has antecedent of more than one case 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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