

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63358 of 2024

Arising Out of PS. Case No.-267 Year-2024 Thana- KAHALGAON District- Bhagalpur

1. Ajay Muni Son of Late Lakhan Muni @ Lalchan Muni Village- Devari Maheshpur P.S.- Kahalgaon District- Bhagalpur
2. Manjay Muni @ Manoj Muni Son of Late Lakhan Muni @ Lalchan Muni Village- Devari Maheshpur P.S.- Kahalgaon District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-09-2024 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 Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.
3. Learned counsel for the petitioners submits that petitioners have antecedent of one case and allegation is of recovery of 44 litres of liquor from possession of Chandra Kishore Muni and 66 litres of liquor from a sack allegedly thrown by both the petitioners. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a sack, which does not belong to the petitioners and the petitioners have no concern with



Chandra Kishore Muni and they came to be implicated based on the confessional statement of Chandra Kishore Muni 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.5000/- (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 Kahalgaon P.S. Case No.267/2024, 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 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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