

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65430 of 2024**

Arising Out of PS. Case No.-59 Year-2024 Thana- Manuapul District- West Champaran

1. Amar Nath Sah Son of Kushar Sah Resident of Mohalla - Saidnagar, P.S.- Motihari, District- East Champaran.
2. Rahul Kumar @ Pushkar Kumar Son of Sunil Kumar Singh village- Sheikhopur, Ward no. 3, Ps- Bazar Samiti, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Samir Kumar, Advocate  
For the Opposite Party/s : Mr. Parmanand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      01-10-2024                      Heard Mr. Samir Kumar, learned counsel for the  
petitioners and the State.

2. The petitioners are apprehending their arrest in connection with Manuapool P.S. Case No. 59 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 02.06.2024 by the informant, Naresh Kumar.

3. As per the prosecution story, the informant alleged that he got information about a big consignment moving from Uttar Pradesh to Bettiah via Lauria, it started checking the vehicles on the check post. In the meantime, a vehicle came, signaled to stop but tried to leave, finally, the police was able to get it stopped through the barricade. The driver tried to escape



but was arrested, he was Sanjeet Kumar and upon search 1140.480 liters of liquor recovered/seized. He gave the names of these petitioners to be the persons where the consignment was to be delivered. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that while the petitioner no. 1 has one criminal antecedent, the petitioner no. 2 do not have any criminal antecedent, the vehicle do not belong to them and further, they do not have any role to play in the matter. The accused is the driver who only to implicate them have named the two petitioners herein. Learned counsel for the petitioners submit that without accepting the allegation and/or the outcome of the present petition, petitioner no. 1 intends to deposit Rs. 50,000/- to the District Legal Services Authority, East Champaran, Motihari (exclusively for the purchase of journals). Similarly, petitioner no. 2 intends to deposit Rs. 50,000/- to the District Legal Services Authority, Samastipur (exclusively for the purchase of journals).

5. Learned APP opposes the prayer stating that one of the petitioners has criminal antecedent.

6. Considering the submissions put forward by the parties as also that the recovery/seizure is from a vehicle which was being driven by Sanjeet Kumar, the two petitioners do not



own the said vehicle, their names have come in the confession, FIR is there and they will be facing the trial, this Court is inclined to extend them the privilege of anticipatory bail to the petitioners subject to payment of Rs. 50,000/- to the District Legal Services Authority, East Champaran, Motihari by the petitioner no. 1 and to the District Legal Services Authority, Samastipur by the petitioner no. 2 for the purchase of journals which has to be submitted by way of Bank Drafts at the time of execution of bail bond.

7. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Act, Bettiah, West Champaran in connection with Manupool P.S. Case No. 59 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

**(Rajiv Roy, J)**

Adnan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

