

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64180 of 2024

Arising Out of PS. Case No.-36 Year-2022 Thana- TARAIIYA District- Saran

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1. Bhagat sah @ Devendra Sah, Son of Kalika Sah Resident of Village- Hasanpur Baniya, P.S.- Taraiya, Distt.- Saran
 2. Anil Sahni, Son of Birendra Sahni Resident of Village- Hasanpur Baniya, P.S.- Taraiya, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Wasi Mohammad

For the Opposite Party/s : Ms.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-09-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedent of one case and the allegation is of recovery of 17.8 litres of liquor from different places including 02 litres of liquor from a place in front of the house of petitioner no.1 and 05 litres of liquor from a place in front of the house of petitioner no.2.



4. The 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 alleged recovery is from a place, which does not belong to the petitioners and is accessible to public at large but then adjacent to the house of the petitioners and they came to be implicated based on secret information, which is the easiest way to implicate someone.

5. Learned A.P.P. opposes the anticipatory bail application.

6. 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, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Exclusive Special Excise Judge, Saran at Chapra in connection with Taraiya P. S. Case No.36 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before



accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner no.1 has antecedent of even one case and petitioner no.2 has 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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