

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69428 of 2024

Arising Out of PS. Case No.-185 Year-2024 Thana- BAGHA District- West Champaran

1. Chuman Yadav @ Sumant Yadav
2. Chhotu Yadav
Both the sons of Lalji yadav Village- Dindyalnagar, Ps- Bagaha Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-09-2024 1. Heard learned counsel for the petitioners as well as
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 Bihar Prohibition and Excise Act in connection with Bagaha P.S. Case No.185 of 2024.

3. The learned counsel for the petitioners submit that the petitioners are person with clean antecedent and the allegation is of recovery of 40.32 liters of liquor from a sack.

4. 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 place which does not belong to the petitioners and has no concern



with the sack in question they came to be implicated at the instance of Nagendra who is alleged to have identified them in light of torch, but then petitioners submit that it absolutely does not stand to reason that how Nagendra identified the petitioners when he is not known to the petitioners.

5. The learned APP for the State 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 his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Bagaha, West Champaran in connection with Bagaha P.S. Case No.185 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case in that event, the present anticipatory bail order shall not be given



effect.

8. The application stands allowed.

9. Today 30 cases relating to excise were taken up, in 30 cases there were 35 petitioners out of which 19 petitioners were persons with clean antecedent and in 15 cases the alleged recovery is less than 30 liters of liquor, as such the total recovery of liquor is 4705.925 liters of liquor.

(Satyavrat Verma, J)

Prakash Narayan

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