

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67034 of 2024

Arising Out of PS. Case No.-234 Year-2024 Thana- BARHARA District- Bhojpur

1. Sarkar Yadav @ A. K. Sarkar Son of Tegri Yadav Resident of Village - Shaligram Singh Ke Tola, P.S.- Barhara, District - Bhojpur
2. Ajit Yadav @ Anit Yadav @ Ajit Kumar Ray @ Ajit Kumar Son of Tegri Yadav Resident of Village - Shaligram Singh Ke Tola, P.S.- Barhara, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh
For the Opposite Party/s : Ms.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. Learned counsel for the petitioner seeks permission to withdraw the anticipatory bail application with respect to petitioner No. 1 (Sarkar Yadav).
3. Permission is accorded.
4. Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to petitioner No. 1.
5. The petitioner No. 2 apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.



6. Learned counsel for the petitioner submits that the petitioner has antecedent of two cases and allegation is of recovery of 1225 litres of liquor from bank of Ganga river.

7. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and even alleged recovery is from a place which does not belong to the petitioner and is accessible to public at large and he came to be implicated at the instance of Chowkidar, but then it is submitted that in majority of the cases, police, in a mechanical manner, implicates either at the instance of Chowkidar, local person, secret information or confessional statement without holding a proper investigation.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner No. 2, above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) 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 Barhara P.S. Case No. 234 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. It is made clear that the learned trial court before accepting the bail bonds of the petitioner No. 2 shall verify the criminal antecedents of the petitioner No. 2 and in the event if it is found that the petitioner No. 2 has antecedent of more than two cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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