

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66122 of 2024

Arising Out of PS. Case No.-255 Year-2024 Thana- CHANDAUTI District- Gaya

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1. Sanjay Kumar @ Sanjay Saw Son of Jagarnath Saw Resident of Village- Rajoi, P.S. Aurangabad Muffasil, District- Aurangabad,
 2. Sharwan Kumar Son of Kalo Yadav R/O Vill.- Haheesadi, P.S.- Dhangai, Dist.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh
For the Opposite Party/s : Ms. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 11-09-2024 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 offences punishable under Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 6.375 liters of liquor from two motorcycles.
4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and they came to be implicated based on the fact that they are the owners of the



seized motorcycles. It is next submitted that no prudent person would use his/their own vehicle for committing an occurrence and thus would create evidence against himself/themselves and hence would get implicated, it is further submitted that petitioners were completely unaware that their friends would misuse the vehicle in the manner as alleged.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) 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 Chandauti P.S. Case No. 255 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioners shall verify their criminal antecedent and in the event if it is found that any of the petitioners have antecedent of even one case in that event,



the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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