

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67830 of 2024

Arising Out of PS. Case No.-167 Year-2024 Thana- CHHAURADANO District- East
Champaran

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1. Govind Kumar @ Govinda Kumar Son of Ashok Ram Resident of Village-
Ekdari, P.S. - Chhauradano, District - East Champaran
 2. Amit Kumar Son of Ashok Ram Resident of Village - Ekdari, P.S. -
Chhauradano, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-09-2024 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 Sections 30(a) and
41(1) of the Bihar Prohibition and Excise (Amendment) Act,
2022.

3. Learned counsel for the petitioners submits that
petitioners have antecedent of two cases.

4. Allegation is of recovery of 5.1 litres of liquor from
a bush near the house of Rambabu Prasad.

5. 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 the alleged



recovery is from a place which does not belong to the petitioners and is accessible to public at large. It is further submitted that petitioners came to be implicated at the instance of the Chawkidar with whom petitioners are on an inimical term. It is next submitted that the police in majority of the cases implicate either at the instance of the Chawkidar, local person, secret information or confessional statement in a mechanical manner without holding proper investigation of the case.

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

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chhauradano P.S. Case No. 167 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal



antecedent of the petitioners and if it is found that petitioners have 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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