

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72158 of 2024

Arising Out of PS. Case No.-9 Year-2018 Thana- YADOPUR District- Gopalganj

1. Hari Yadav S/O Govardhan Yadav R/o Village- Newrahi Dachhin Teluha,
P.S.- Nawtan, District- West Champaran
2. Ajay Yadav S/o Dina Nath Yadav R/o Village- Newrahi Dachhin Teluha,
P.S.- Nawtan, District- West Champarn

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-10-2024 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)(b)(c),
38(1) and 41(1) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the
petitioners are person with clean antecedent and allegation is of
recovery of 53 litres of liquor along with other articles from seven
different places as detailed in the FIR.

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 even alleged recovery
is from a place which does not belong to the petitioners and is



accessible to public at large and they came to be implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value nor petitioners are owner of the seized vehicle.

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 Yadopur P.S. Case No. 09 of 2018 subject to the conditions as 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 antecedents of the petitioners and in the event if it is found that 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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