

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70738 of 2024

Arising Out of PS. Case No.-395 Year-2024 Thana- PIRBAHOR District- Patna

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1. Rajan Kumar Son of Sri Pradeep Ram Resident of Mohalla - Mahendru, in front of Post Office, P.S. - Pirbahore, District - Patna
 2. Vikky Kumar Son of Madan Mohan Tiwari Resident of Mohalla - Gaighat, Near Shivmandir, P.S. - Pirbahore, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 30-09-2024 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 Pirbahor P.S. FIR No.395 of 2024.

3. The learned counsel for the petitioners submit that petitioner no.1 has antecedent of one case and petitioner no.2 is a person with clean antecedent and allegation is of recovery of 69.56 liters of liquor from a house near Darbhanga house and 720 ml of liquor from a motorcycle.

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 house which does not belong to the petitioner nor they are owner of the seized motorcycle and they came to be implicated based on confessional statement of Rahul in police custody which does not have any evidentiary value.

5. The learned APP for the State opposes the anticipatory bail application and submits that though it has been submitted that petitioners are not the owner of the seized motorcycle, but then the same has not been pleaded.

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.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge-II, Excise, Patna in connection with Pirbahor P.S. FIR No.395 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, the learned trial court before accepting the bail bonds of the petitioners shall verify the ownership of the seized vehicle and if it is found that the seized vehicle belongs to either of the petitioners, in that event, the present anticipatory



bail order shall not be given effect to, but if the motorcycle does not belong to any of the petitioners, in that event, the bail bonds shall be accepted forthwith.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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