

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69300 of 2024

Arising Out of PS. Case No.-467 Year-2024 Thana- SITAMARHI District- Sitamarhi

1. Ajay Kumar, S/O Ramstrudhan Singh Resident of Village- Shiv Mohammadpur, P.S- Sitamarhi, District- Sitamarhi
2. Ramesh Kumar, S/O Baidhnath Singh @ Baijnath Mahto R/O Village- Kamalpura (Malipur Pakari), Bhashar Machaha, P.S- Sitamarhi, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-09-2024 1. Heard learned counsel for the petitioners and 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 Excise Act.
3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case and petitioner no.2 has antecedent of two cases and the allegation is of recovery of 972 litres of liquor from a Scorpio vehicle.
4. The learned counsel for the petitioners submits



that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and is not the owner of the seized vehicle and he came to be implicated based on confessional statement of Vikash Kumar in police custody, which does not have any evidentiary value.

5. Learned A.P.P. opposes the anticipatory bail application.

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 their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Sitamarhi in connection with Sitamarhi P. S. Case No.467 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court



before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than one case and 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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