

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71613 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- Patour District- Darbhanga

1. Vikash Yadav @ Vikash Kumar Yadav S/O- Ashok Yadav @ Ashok Kumar Yadav Village- Barki Daing Ps- Pator Dist- Darbhanga
2. Ajay Yadav @ Aditya Raj Son Of Taleshwar Yadav @ Umesh Kumar Yadav Village- Barki Daing Ps- Pator Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-10-2024 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 Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioner No. 1 has antecedent of one case and petitioner No. 2 is a person with clean antecedent and allegation is of recovery of 90.75 litres of liquor from a bush.

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 at the instance of *Chowkidar* but then it is submitted that it absolutely does not stand to reason that if Chowkidar was aware of the involvement of the petitioners in the occurrence then why he/she did not inform the police prior to institution of the instant FIR which further casts aspersion on the case of the prosecution.

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. 5,000/- (Rupees Five Thousand) 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 Pator P.S. Case No. 67 of 2024, 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 petitioner No. 1 has antecedent of more than one case and petitioner No. 2 has even one antecedent, in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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