

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70174 of 2024

Arising Out of PS. Case No.-331 Year-2024 Thana- MADHAURAH District- Saran

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1. Kundan Nut @ Kundan Kumar Son of Dudhnath Nat R/O- Village- Bajit Bhoraha, P.S.- Madhaurah, Distt.- Saran at Chapra
 2. Vishal Nut @ Gopal Nut Son of Dudhnath Nat R/O- Village- Bajit Bhoraha, P.S.- Madhaurah, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-09-2024 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 Section 30(a) of the Bihar Excise Act.

 3. Learned counsel for the petitioners submits that the petitioner No. 1 has antecedent of two cases while petitioner No. 2 has antecedent of one case and allegation is of recovery of 200 litres of liquor from bamboo orchard.

 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 in majority of the cases, police, in a mechanical manner, implicates either at the instance of Chowkidar, local person, secret information or confessional statement without holding a proper investigation.

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. 10,000/- (Rupees Ten 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 Madhaurah P.S. Case No. 331 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 two cases and petitioner No. 2 has antecedent of more than one case, in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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