

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71235 of 2024

Arising Out of PS. Case No.-461 Year-2024 Thana- AMARPUR District- Banka

1.

Fekan Yadav Son of Lutan Yadav Resident of Village - Baza, P.S. - Amarpur, District - Banka
2.

Saurabh Kumar Son of Gopal Yadav Resident of Village - Baza, P.S. - Amarpur, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Ms.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2

01-10-2024

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 Amarpur P.S. Case No.461 of 2024.

3.

The learned counsel for the petitioners submit that the petitioners are person with clean antecedent and the allegation is of recovery of 25 liters 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. It is further submitted petitioner no.2 came to be implicated based on the fact that he is owner of the



seized motorcycle while petitioner no.1 was alleged to have been sitting behind the motorcycle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that petitioners were completely unaware that his friend would misuse the vehicle in the manner as alleged, when petitioners are persons with clean antecedent.

5. The learned APP for the State 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 his furnishing bail-bonds in the sum of Rs.500 /- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.I, Banka in connection with Amarpur P.S. Case No.461 of 2024, subject to the conditions 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 antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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