

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71682 of 2024**

Arising Out of PS. Case No.-125 Year-2022 Thana- CHHATAUNI District- East Champaran

1. Baleshwar Sah Son of Mahindra Sah R/O Vill.- Bara Bariyarpur Tali, P.S.- Chhatauni, Dist.- East Champaran.
2. Ramsaroj Sah @ Rambharose Sah Son of Baleshwar Sah R/O Vill.- Bara Bariyarpur Tali, P.S.- Chhatauni, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Ajay Kumar No. 2

**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 learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no.1 namely Baleshwar Sah.
3. Permission is accorded.
4. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 30(a) and 41(1) of Bihar Prohibition and Excise Act, 2018.
5. Learned counsel for the petitioner submits that petitioner has antecedent of one case and allegation is of recovery of 13.9 litres of liquor from a bamboo orchard. 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 place which does not belong to the petitioner and is accessible to public at large and he came to be implicated based on secret information which is the easiest way to implicate someone.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner no.2, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees five thousand) 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 Chhatauni P.S. Case No.125/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. It is made clear that the learned trial court before accepting the bail bonds of the petitioner no.2, shall verify his criminal antecedent and in the event if it is found that 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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