

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71993 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- Bhawanipur District- Bhagalpur

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1. Navin Singh @ Navin Kumar Singh S/o- Ambika Singh R/o Village-
Manoharpur Police Station- Bhawanipur District- Bhagalpur
 2. Guddu Singh @ Guddu Kumar Son of Ambika Singh R/o Village-
Manoharpur Police Station- Bhawanipur District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 03-10-2024 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 Sections 30(a)(C)
(D) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent.

4. Allegation is of recovery of 21.25 litres of liquor
from outhouse of the petitioner.

5. Learned counsel for the petitioners submits that
petitioners were not arrested from the spot, as such, nothing was
recovered from their conscious possession and outhouse is a



place outside the house and is accessible to the villagers at large. It is further submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that it appears that someone inimical to the petitioners and their family members planted meager amount of liquor to implicate them. It is also submitted that petitioners came to be implicated at the instance of the local people but then but then the name of the person who disclosed the name of the petitioners is not disclosed in the FIR which casts an aspersion on the case of the prosecution.

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 petitioners, let the petitioners above-named, in the event of their 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.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhawanipur P.S. Case No. 79 of 2024, subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and 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 to.

(Satyavrat Verma, J)

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