

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76020 of 2024

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

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1. Bali Nut Son of Daharu Nut R/O-Village - Bajitbhorha , P. S - Marhowrah,
District - Saran
 2. Sonu Nut Son of Daharu Nut R/O-Village - Bajitbhorha , P. S - Marhowrah,
District - Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 06-12-2024 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 and petitioner No. 2
has antecedent of six cases and allegation is of recovery of 200
litres of liquor from a bush near the bank of Repura river.
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* with whom they are on an inimical term. It is also submitted 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. 30,000/- (Rupees Thirty 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 Marhowrah 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 more than two antecedent and Petitioner No. 2 has more than six antecedent, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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