

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75251 of 2024

Arising Out of PS. Case No.-236 Year-2024 Thana- PAROO District- Muzaffarpur

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1. Vikram Rai @ Vikram Kumar S/O Surendra Rai Resident of village- Kataru, P.S.- Paroo, District- Muzaffarpur.
 2. Mukesh Sahani @ Mukesh Sahni S/O Topar Sahani @ Anant Sahani Resident of village- Chhap, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar
For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-10-2024 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 Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of four cases and petitioner no. 2 has antecedent of two cases and allegation is of recovery of 648 liters of liquor from field of Dinesh Rai.
4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even the alleged



recovery is from a place which does not belong to the petitioners and is accessible to public at large and petitioners have no concern or relation with Dinesh Rai and they came to be implicated at the instance of *Chowkidar* with whom he is on an inimical term. It is also submitted that if the *Chowkidar* was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an 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. 20,000/- (Rupees Twenty 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 Paroo P.S. Case No. 236 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that the learned Trial



Court before accepting the bail bonds of the petitioners shall verify their criminal antecedent and in the event if it is found that petitioner no. 1 has antecedent of more than four cases and petitioner no. 2 has antecedent of more than two cases in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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