

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78601 of 2024

Arising Out of PS. Case No.-264 Year-2018 Thana- NADI P.S. District- Patna

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1. Umesh Kumar Rai @ Umesh Rai @ Umesh Kumar Son of Devnandan Rai
Resident of village- Jethuli, PS- Nadi, District -Patna
 2. Rahul Kumar @ Rahul Rai Son of Nawal Rai @ Nawal Kishore Rai @
Nawal Kishor Rai Resident of village- Jethuli, PS- Nadi, District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mr.Arun Kumar

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 Sections 30(a) and
45 of the Bihar Excise Act and Sections 341, 323, 307, 147,
148, 149, 353, 337, 338, 427, 431 and 34 of the IPC.

3. Learned counsel for the petitioners submits that the
petitioners are person with clean antecedent and allegation is of
recovery of foreign liquor from Jagdish Rai's cowshed.

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. It is next submitted



that from perusal of allegation as alleged in the FIR, it would manifest that even the quantity of seized liquor has not been mentioned in the FIR, which casts an aspersion on the case of the prosecution. It is further submitted that petitioners have no concern or relation with Jagdish Rai and they came to be implicated based on secret information and on the allegations that petitioners along with others pelted stones at the raiding team.

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. 500/- (Rupees Five Hundred) 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 Nadi P.S. Case No. 264 of 2018 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 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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