

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4247 of 2025

Arising Out of PS. Case No.-361 Year-2018 Thana- BYPASS District- Patna

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1. SUNIL PRASAD S/O RAM VILAS SINGH R/o Village- Mahuli, P.S.- Didarganj, District- Patna
 2. CHIRKOOT PRASAD S/O SHIV SHANKAR PRASAD R/o Village- Mahuli, P.S.- Didarganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-02-2025 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 offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case and allegation is of recovery of 20 litres of liquor from a place near a tree near the house of Kannu Baba. 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 petitioners and is accessible



to public at large and they came to be implicated at the instance of local villager but the name of the person who disclosed the name of the petitioners is not disclosed in the F.I.R., which casts an aspersion on the case of the prosecution. It is also submitted that once an accused is implicated in a case relating to excise the police starts implicating mechanically.

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

5. 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 Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees five 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 By-pass P.S. Case No.361/2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that thereafter the learned trial court shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioners have antecedent of more than one case, in that event, the provisional anticipatory bail order



shall not be confirmed but if after verification it is found that
petitioners have antecedent of one case, in that event the
provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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