

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5804 of 2025

Arising Out of PS. Case No.-280 Year-2023 Thana- KESARIA District- East Champaran

1. Jairam Rai @ Jairam Kumar Yadav S/O Mahendra Ray Resident of village- Kadhan, P.s- kesariya, District- East Champaran
2. Chandra Kishore Rai S/O Lal Babu Rai Resident of village- Kadhan, P.s- kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-02-2025 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 offences punishable under Sections 272 and 273 of the Indian Penal Code read with Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioners are person with clean antecedent and allegation is of recovery of 77.76 liters of liquor from a sugarcane field of Motilal 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, further petitioners have no connection or relation with Motilal Rai and they came to be implicated at the instance of *Chowkidar*. It is also submitted that if *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 **Provisional 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 Kesariya P.S. Case No. 280 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the



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

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

