

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8209 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- BADHAILA District- Rohtas

1. Ajay Singh @ Ajay Kumar Son of Chhathu Singh Resident of Village- Chhanha P.S- Baghaila District -Rohtas at Sasaram
2. Jay Prakash Kumar @ Andika Singh Son of Late Shiv Pujan Singh Resident of Village- Chhanha P.S- Baghaila District -Rohtas at Sasaram

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Chhotelal Mishra, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 is a person with clean antecedent and petitioner no. 2 has antecedent of two cases and allegation is of recovery of 12 litres of liquor from a place near bank of river Kaw. It is next submitted 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 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 did not inform the police prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution.

4. Learned Additional Public Prosecutor 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 trial Court within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand only) 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 **Baghaila P.S. Case No. 5 of 2025**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. It is made clear that that thereafter, the learned trial Court shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no. 1 has



antecedent of even one case and petitioner no. 2 has antecedent of more than two cases, in that event, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner no. 1 is a person with clean antecedent and petitioner no. 2 has only two antecedents, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Shahnawaz/-

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