

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88250 of 2024

Arising Out of PS. Case No.-41 Year-2023 Thana- JAYNAGAR District- Madhubani

1. Manoj Yadav @ Manoj Kumar Yadav S/o- Balram Yadav R/o Village-Dhodhwar, P.S. Jaynagar, District-Madhubani
2. Ganga Yadav @ Ganga Prasad Yadav S/o- Bale Yadav R/o Village-Dhodhwar, P.S. Jaynagar, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 08-01-2025 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, 273 and 414/34 of the Indian Penal Code as well as Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases and petitioner no. 2 is a person with clean antecedent.

4. Allegation is of recovery of 270 litres of liquor from two motorcycles as detailed in the FIR.

5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and are not the owner of



any of the seized motorcycles and they came to be implicated in the instant case at the instance of the Chawkidar with whom they are on an inimical term.

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

7. Considering the submissions made by the learned counsel for the petitioners, let 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 anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jaynagar P.S. Case No. 41 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more than two cases and petitioner no. 2 has 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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