

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26547 of 2024

Arising Out of PS. Case No.-460 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Dhiraj Kumar Son of Gauri Shankar Singh Resident of village- Sakhmohan,
PS- Bibhutipur, Distt.-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Gautam

For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-07-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that defect No. 6(1) be ignored and defect no. 6(2) shall be rectified during the course of the day.
4. In view of the submissions made by the learned counsel appearing on behalf of the petitioner, defect No. 6(1) is ignored.
5. It is next submitted that petitioner has antecedent of one case and allegation is of recovery of 2395.500 liters of liquor as detailed in the FIR.
6. Learned counsel for the petitioner submits that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and even the alleged



recovery is from a place which does not belong to the petitioner and he came to be implicated at the instance of *Chowkidar* with him he is on an inimical term.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 5,000/- (Rupees Five Thousand) 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 Bibhutipur P.S. Case No. 460 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than one case in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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