

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21572 of 2024

Arising Out of PS. Case No.-429 Year-2023 Thana- SIRDALA District- Nawada

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Mahesh Rajvanshi @ Shethi Rajvanshi S/o Shivam Rajvanshi Resident of
Village - Pandedih, P.S. - Sirdala, District - Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manmohan Kumar, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-03-2024 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(c)/41 of
the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with four antecedents and allegation is of
recovery of 1300 liters of fermented Java Mahua from Bahuara
forest.

4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and the alleged
recovery is from a place which is accessible to public at large
and does not belong to the petitioner and he came to be
implicated at the instance of Chowkidar. It is further submitted



that in majority of the cases, police are implicating the innocent people either at the instance of Chowkidar or at the instance of local people. It is also submitted that if the Chowkidar was aware about the involvement of the petitioner, why he did not inform the police prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution. It is also submitted that it appears that the police, with a view to save the real culprit, falsely implicated the petitioner through the Chowkidar.

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

6. 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. 500/- (Rupees Five Hundred) 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 Sirdala P.S. Case No.429 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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