

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25423 of 2024

Arising Out of PS. Case No.-322 Year-2023 Thana- TILAUTHU District- Rohtas

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Pintu Sao @ Yogendra Prasad S/o Late Durga Sao Resident of Village- Uttar
Patti, Tillouthu, P.S.- Tillouthu, District- Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-04-2024 1. Heard learned counsel for the petitioner and

learned APP for the State.
2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Section 30(a) of the Excise Act.
3. The learned counsel for the petitioner submits that

the petitioner has antecedent of six cases and the allegation is

of recovery of 20 litres of liquor from a bush.
4. The 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 alleged

recovery is from a place, which does not belong to the

petitioner and is accessible to public at large and he came to be

implicated at the instance of Chaukidar. In most of the cases,

innocent persons are being implicated by the police either at



the instance of Chaukidar or local people. It is thus submitted that if the Chaukidar was aware that the petitioners had concealed the liquor in the bush, why he did not inform the police earlier and why the said fact was disclosed after the liquor is alleged to have been recovered, which cast an aspersion on the case of the prosecution.

5. Learned A.P.P. opposes the bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.2-cum- Additional District & Sessions Judge, Rohtas at Sasaram in connection with Tillouthu P. S. Case No.322 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that 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 six cases, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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