

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31607 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- GORAU District- Vaishali

Mukesh Kumar @ Mukesh Kumar Ray S/o Late Indradeo Rai Resident of
Village- Narayanpur Bedauliya, P.S.- Goraul, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha

For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-08-2024 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 offence punishable under Sections 414, 420, 34 I.P.C. &
Sections 30(a), 32(ii), 41(i) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 3518 litres of liquor from a truck. It is next submitted
that petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and is not the owner of the
seized vehicle and came to be implicated at the instance of
chowkidar. It is also submitted that police in majority of the cases
implicates either at the instance of chowkidar, local person, secret
information or confessional statement without holding proper



investigation in a mechanical manner, when petitioner admittedly is a person with clean antecedent.

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

5. 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 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 Goraul P.S. Case No.49/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner 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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