

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26481 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- PAKRIDAYAL District- East Champaran

Radhey Shyam Sahani Son of Ram Chandra Sahani Resident of Village-
Majhargodhiya Tola, Ward No.-14, P.S.- Pakaridayal, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-04-2024 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 Sections 272, 273 of I.P.C read with Section
30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the petitioner
has antecedent of two cases and allegation is of recovery of 30 liters of
liquor from a wheat field.
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 even the 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 local person. It is further submitted
that in majority of the cases police is implicating accused persons either at
the instance of *Chowkidar* or local people. It is also submitted that if the
local person was aware of the involvement of the petitioner in the



occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

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. 10,000/- (Rupees Ten 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 Pakadidyal P.S. Case No. 17 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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 two cases in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

