

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25694 of 2024

Arising Out of PS. Case No.-124 Year-2024 Thana- SIKARPUR District- West Champaran

Sushil Kumar Son of Indrashan Prasad Resident of belvaniya, Ward No.1,
P.S.- Shikarpur, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-04-2024 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 30(a), 32 and 41(i) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the petitioner has antecedent of six cases and allegation is of recovery of 20 liters of liquor from a place behind the house of the petitioner.
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 is accessible to people at large but is adjacent to the house of the



petitioner based on which he came to be implicated at the instance of *Chowkidar*. It is further submitted that in majority of the cases police in mechanical manner implicates accused persons either at the instance of *Chowkidar* or local people. It is also submitted that if the *Chowkidar* 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. 30,000/- (Rupees Thirty 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 Shikarpur P.S. Case No. 124 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 six cases in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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