

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28141 of 2024**

Arising Out of PS. Case No.-367 Year-2017 Thana- CHANPATIA District- West Champaran

Ramji Mukhiya Son of Sri Bunni Mukhiya Resident of Village- Basantpur,  
P.S.- Sathi, Dist.- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      15-04-2024                      1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The learned counsel for the petitioner submits that inadvertently at Para-3 it has been recorded that petitioner is a person with clean antecedent when petitioner has antecedent of three cases which has been brought on record by way of a supplementary affidavit.
3. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.
4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 25 liters of liquor from a motorcycle.
5. Learned counsel for the petitioner submits that the



petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and being owner he came to be implicated. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated, it is further submitted that petitioner was completely unaware that his friend would misuse the vehicle in the manner as alleged.

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

7. 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. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chanpatiya P.S. Case No. 367 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

**(Satyavrat Verma, J)**

Rishabh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

