

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25738 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- NAANPUR District- Sitamarhi

Mohan Kumar @ Mohan Rai Son of Keshav Rai @ Chungal Rai Village
Behurar, P.S.- Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha
For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 10-04-2024 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 five cases and the allegation is of
recovery of 817.2 litres of liquor from a pick-up van.
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 is neither the owner
nor the driver of the seized vehicle and he came to be implicated
based on secret information, which is the easiest way to implicate
someone. It is next submitted that it appears that the police in



order to save the real culprit falsely implicated the petitioner taking advantage of his antecedents.

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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.II, Sitamarhi in connection with Nanpur P. S. Case No.14 of 2024, 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 five cases, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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