

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26919 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- SARAI RANJAN District- Samastipur

1. Raja Ray @ Raja Kumar, son of Shital Ray Resident of Village- Vajitpur Meyari Ps- Sarai Ranjan Dist- Samastipur
2. Guddu Kumar @ Guddu Rai, son of Shtrudhan Rai Resident of Village- Vajitpur Meyari Ps- Sarai Ranjan Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-04-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.
3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the allegation is of recovery of 267.825 litres of liquor from the maize field of Chandan Singh.
4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even alleged



recovery is from a place, which does not belong to the petitioners and they came to be implicated at the instance of Chaukidar with whom they are on an inimical term. It is further submitted that the police in mechanical manner implicates either at the instance of Chaukidar or local person, but then, it absolutely does not stand to reason that if Chaukidar was aware of the involvement of the petitioners in the occurrence, then why he did not inform the police prior to institution of the present F.I.R., which cast an aspersion on the case of the prosecution, when admittedly petitioners are persons with clean antecedent.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court No.2, Samastipur in connection with Sarai Ranjan P. S. Case No.30 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 petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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