

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27329 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- GORAUL District- Vaishali

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1. BAADAL KUMAR S/O AJIT BHAGAT R/O VILLAGE- RASULPUR KORIGAON, HUSAINA GHAT, P.S- GORAUL, DISTT.- VAISHALI.
 2. AJIT BHAGAT S/O LATE DEVENDRA BHAGAT R/O VILLAGE- RASULPUR KORIGAON, HUSAINA GHAT, P.S- GORAUL, DISTT.- VAISHALI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-04-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 414 and 34 of the Indian Penal Code and Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case.

4. Allegation is of recovery of 5265 litres of liquor from a truck.

5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and are neither the



owner nor the driver of the seized vehicle and they came to be implicated at the instance of the Chawkidar. It is further submitted that the police in mechanical manner implicate the innocent person either at the instance of the Chawkidar or the local person but then it is submitted that it absolutely does not stand to reason that if the Chawkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution. It is next submitted that it appears that the police in order to save the real culprits falsely implicated the petitioners through the Chawkidar.

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

7. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Goraul P.S. Case



No. 52 of 2024, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting
the bail bonds of the petitioners, shall verify the criminal
antecedent of the petitioners and if it is found that petitioners
have antecedent of more than one case in that event the present
anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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