

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31797 of 2024

Arising Out of PS. Case No.-08 Year-2024 Thana- KARPURIGRAM District- Samastipur

Kundan Kumar Ray @ Kundan Kumar Sonelal Ray @ Santlal Ray R/o-
Village Chandauli Dorapar PS - Tajpur (Waini OP), Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-04-2024 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 Sections 30(a), 32, 36 and 41 of the Excise Act.
3. The learned counsel for the petitioner submits that the petitioner has antecedent of four cases, but one of the case was instituted during the pendency of the instant anticipatory bail application. It is further submitted that the allegation is of recovery of 8352 litres of liquor from two different vehicles.
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 not the owner of any of the seized vehicles and he came to be implicated at the



instance of Chaukidar. It is also submitted that police in mechanical manner implicates either at the instance of the Chaukidar or local person, but then, it absolutely does not stand to reason that if Chaukidar was aware of the involvement of the petitioner 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. 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 antecedent through Chaukidar.

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. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-1, Samastipur in connection with Karpurigram P. S. Case No.8 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 four cases, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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