

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32068 of 2024

Arising Out of PS. Case No.-373 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

RAUSHAN MANDAL @ RAUSHAN KUMAR SON OF LATE RAMA
CHANDRA MANDAL RESIDENT OF VILLAGE - GARHA @ GADHA,
P.S. - RUNNISAIDPUR, DISTRICT - SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-04-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a), 32(i)
(ii), 36 and 41(i)(ii) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of four cases and allegation is of
recovery of 1921.65 liters of liquor from a truck.

4. Learned counsel for the petitioner submits that the
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 truck and he came to be implicated
based on the confessional statement of apprehended accused in
police custody which does not have any evidentiary value. It is
further submitted that it appears that the police in order to save
the real culprits got the petitioner implicated taking advantage of



his antecedent through the apprehended accused.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Runnisaidpur P.S. Case No. 373 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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