

Arising Out of PS. Case No.-51 Year-2024 Thana- RANIGANJ District- Araria

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... .. Petitioner/s

Versus

... .. Opposite Party/s

Appearances :
For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-05-2024 1. The learned counsel for the petitioner seeks
permission to make rectification in the description of the
petitioner in cause title.

2. As it has been submitted that inadvertently before the name of the father of the petitioner 'Late' has not been prefixed.

3. Permission is accorded.

4. Heard learned counsel for the petitioner as well as learned APP for the State.

5. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

6. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 10 liters of liquor from the house of Lakhan



Tuddu.

7. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and after amendment in the Excise Act in the year 2018 the concept of deemed possession and presumed offender has been done away with. It is next submitted that petitioner has been made an accused in the instant case being son of Lakhan Tuddu based on suspicion.

8. It is further submitted that the father of the petitioner Lakhan Tuddu died about five years back, but still he has been made an accused in the instant case which amply demonstrates that how mechanically the police investigates and implicates. It is next submitted that had the police investigated the case in its correct prospective, then father of the petitioner would not have been made an accused in the instant case, but then the police in their zeal to please their bosses implicate innocent persons in mechanical manner.

9. The learned APP for the State opposes the anticipatory bail application.

10. 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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-1, Araria in connection with Raniganj P.S. Case No.51 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

11. 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 even one case, in that event, the present anticipatory bail order shall not be given effect.

12. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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