

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45326 of 2024

Arising Out of PS. Case No.-156 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Vijay Kumar @ Vijay Rai Son of Daroga Rai Resident of Village-Khaspur,
P.O.- Daudpur, P.S.-Maner, District Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal
For the Opposite Party/s : Mr. Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 02-09-2024 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),
30(c), 32(i), 41(i) and 36 of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that a
supplementary affidavit has been filed clarifying the defects
pointed out by the office.
4. It is submitted that name of the uncle of the
petitioner in the FIR was recorded as his father, when father of
the petitioner is Daroga Rai. It is further submitted that the
deponent of the case who has been shown as father of the
petitioner in the FIR, has sworn the affidavit of the anticipatory



bail application as uncle of the petitioner.

5. In view of the submissions made by the learned counsel appearing on behalf of the petitioner, the defect as pointed out by the office is ignored.

6. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 25 liters of liquor from a *Diyara* area.

7. It is next submitted that petitioner was not apprehended from the spot, as such, nothing was recovered from his conscious possession and even the alleged recovery is from a place which does not belong to the petitioner and is accessible to public at large. It is further submitted that from perusal of the FIR, it would manifest that the same also does not disclose that on what basis the petitioner has been implicated in the instant case, which amply demonstrates that the petitioner, in a mechanical manner, has been implicated when he is a person with clean antecedent.

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

9. 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. 500/- (Rupees Five Hundred) 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 PR Maner P.S. Case No. 156 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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