

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41377 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- DORIGANJ District- Saran

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1. Niraj Kumar @ Meeraj Kumar, Son Of Late Fagu Mahto Resident Of Village - Jagdishpur, Police Station - Doriganj, District - Saran
 2. Raju Kumar, Son Of Lal Babu Mahto Resident Of Village - Jagdishpur, Police Station - Doriganj, District - Saran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mili Kumari

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-07-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.
3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of four cases and petitioner no.2 has antecedent of three cases and allegation is of recovery of 35 litres of liquor along with 300 litres of mahua pass from a bamboo orchard at village Jagdishpur.
4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and even alleged recovery is from a place, which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of Chaukidar with whom they are on an inimical term. It is next submitted that it appears that the Chaukidar in order to save the real culprit falsely implicated the petitioners taking advantage of their antecedents.

5. Learned A.P.P. opposes the bail application.

6. 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, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Exclusive Special Excise Judge, Saran, Chapra in connection with Doriganj P. S. Case No.64 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 no.1 has antecedent of more than four cases and petitioner no.3 has antecedent of more than three cases, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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