

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44774 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- BEGUSARAI TOWN District- Begusarai

1. Vikki Kumar @ Chiranjit Kumar @ Chiranjiv Kumar S/O Birendra Malakar R/O Village- Harpur, P.S- Refinery O.P., Dist.- Begusarai.
2. Sonu Kumar @ Suman Kumar Singh S/O Late Abhinandan Singh R/O Village- Harpur, P.S- Refinery O.P., Dist.- Begusarai.
3. Rupesh Kumar S/O Late Abhinandan Singh R/O Village- Harpur, P.S- Refinery O.P., Dist.- Begusarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Divya Bharti
For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2024 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 Sections 30(a), 32(2), 32(3), 36, 41(2) and 41(1) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 is a person with clean antecedent, petitioner no.2 has antecedent of five cases and petitioner no.3 has antecedent of seven cases and the allegation is of recovery of 500.25 litres of liquor from two cars.



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 are not the owner of any of the seized vehicles and they came to be implicated based on confessional statement of apprehended accused in police custody, which does not have any evidentiary value. It is next submitted that it appears that the police 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. 35,000/- (Rupees Thirty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-1, Begusarai in connection with Town P. S. Case No.254 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 petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of even one case, petitioner no.2 has antecedent of more than five cases and petitioner no.3 has antecedent of more than seven cases, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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