

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46569 of 2024**

Arising Out of PS. Case No.-92 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

1. Anil Kumar @ Anil Sahni @ Anil Sahani, Son Of Ramdev Sahani Resident Of Village - Hussepur Naya Tola, P.S. - Sahebganj, District - Muzaffarpur
2. Jeetesh Kumar @ Jitesh Kumar, Son Of Pahari Sahani @ Jaymangal Sahni Resident Of Village- Hussepur Naya Tola, P.S. - Sahebganj, District - Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar  
For the Opposite Party/s : Mr.Rabindra Kumar- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      26-07-2024      1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.2, namely, Jeetesh Kumar @ Jitesh Kumar.
3. Permission is accorded.
4. Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.2, namely, Jeetesh Kumar @ Jitesh Kumar.
5. The petitioner no.1 seeks bail in anticipation of his arrest in a case registered for the offences punishable under



Sections 272 and 273 of the I.P.C. and Sections 30(a) and 30(d) of the Excise Act.

6. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 120 litres of liquor along with 5000 litres of jaggery solution from a place near the bank of Gandak river.

7. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even alleged recovery is from a place, which does not belong to the petitioner and is accessible to public at large and he came to be implicated at the instance of Chaukidar. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar or local person, which cast an aspersion of the case of the prosecution as implication appears to be mechanical. It is next submitted that it absolutely stand to reason that how the Chaukidar identified the petitioner, when petitioner is not known to the Chaukidar and is a person with clean antecedent.

8. Learned A.P.P. Sri Rabindra Kumar opposes the anticipatory bail application.



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 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 Judge, Excise Court No.II, Muzaffarpur in connection with Sahebganj P. S. Case No.92 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

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 application shall not be given effect to.

**(Satyavrat Verma, J)**

vikash/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

