

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45060 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- UCHKAGAON District- Gopalganj

SHESHNATH SINGH SON OF LATE SHIVSHANKAR SINGH
RESIDENT OF VILLAGE - MAHAICHA MADHWALIYA, MAHAICHA,
P.S. - UCHAKAGAON, DISTRICT - GOPALGANJ, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan
For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2024 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 offence punishable under Sections 30(a)/41(1) of Bihar Prohibition and Excise Amendment Act, 2022 and Sections 308/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 250 litres of raw spirit from the shop of Sandip Singh. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on the fact that he is owner of the market complex and Sandip had taken the



shop on rent. It is next submitted that no prudent person would use his own complex for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that the police investigates in mechanical manner and even implicates innocent people without properly investigating the case. It is further submitted that in majority of the cases the innocent persons are being implicated either at the instance of chowkidar or local people, similarly in the present case also the petitioner came to be implicated at the instance of local person but the name of local person, who disclosed the name of petitioner is not mentioned in the F.I.R., which casts an aspersion on the case of prosecution.

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

5. 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 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 Uchakagaon P.S.



Case No.110/2024, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before
accepting the bail bonds of the petitioner shall verify the
criminal antecedents 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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