

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48656 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- GHOSWARI District- Patna

Kundan Kumar @ Kundan Ram S/O Rampravesh Ram Resident Of Village-
Dhanakdobh, Police Station- Ghoswari, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Ms.Meena Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-07-2024 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 offences punishable under Sections 30(a) and
30(c) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the
petitioner has antecedent of five cases and allegation is of
recovery of 37 litres of liquor from a field at Bishahari Asthan.
4. Learned counsel for the petitioner submits that the
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 is accessible to public at large
and does not belong to the petitioner. It is next submitted that



he came to be implicated at the instance of Chowkidar with whom he is on an inimical term. It is also submitted that the police, in a mechanical manner, implicates either at the instance of Chowkidar or local person. It is also submitted that it appears that Chowkidar, in order to save the real culprit, falsely implicated the petitioner taking advantage of his antecedents.

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

6. 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. 25,000/- (Rupees Twenty-five Thousand) 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 Ghoswari P.S. Case No. 96 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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 the petitioner has antecedent of more than five cases,



in that event the present anticipatory bail order shall not be
given effect to.

(Satyavrat Verma, J)

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