

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53003 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- SAKRA District- Muzaffarpur

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Pawan Kumar @ Pawan Kumar Yadav S/o Rajendra Yadav @ Rajendra Ray
R/o vill - Ram Nagar, P.S .- Sakra, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 30-08-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 272, 273 and 34 of the IPC and 30(a), 31(1), 32(2), 36,
41(1) of the Bihar Prohibition and Excise Act in connection with
Sakra P.S. Case No.61 of 2024.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of six cases and allegation is of
recovery of 1529.58 liters of liquor from a truck.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious



possession and is not the owner of the seized vehicle and he came to be implicated at the instance of Chowkidar. It is next submitted police in majority of the cases implicates either at the instance of the 'Chowkidar', local person, secret information or confessional statement in a mechanical manner without holding proper investigation. It is also submitted that once a person is implicated in a case relating to excise the police starts implicating mechanically and at times to save the real culprits.

5. The learned APP for the State opposes the anticipatory bail application.

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 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. 30,000 /- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court-I, Muzaffarpur in connection with Sakra P.S. Case No.61 of 2024, subject to the conditions 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 antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than six cases, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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