

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50313 of 2024

Arising Out of PS. Case No.-220 Year-2024 Thana- SARAIYA District- Muzaffarpur

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Pappu Rai @ Pappu Kumar Son of Bhagwan Ray Resident of village -
Kailapatti, P.S.- Saraiya, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2024 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 272, 273 and 34 of the Indian Penal Code read with Sections 30(a), 32(2), 32(3), 36, 41(1) and 42(2) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of 10 cases, but inadvertently at Para-3 of the anticipatory bail application, it has been pleaded that he has antecedent of nine cases and allegation is of recovery of 1010.16 liters of liquor from a pick-up vehicle.

4. Learned counsel for the petitioner submits 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 based on confessional statement of co-accused in police custody which does not have any evidentiary value. It is also submitted that once an



accused is implicated in a case relating to excise, the police starts implicating mechanically.

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. 50,000/- (Rupees Fifty 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 Saraiya P.S. Case No. 220 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear 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 10 cases in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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