

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56991 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Dhiraj Kumar @ Dheeraj Kumar Son Of Jivachh Ray Resident Of Village
-CHANDAULI Dorapar, Ps -TAJPUR (WAINI Op) District- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Opposite Party/s : Ms. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-05-2024 1. Heard learned counsel for the petitioners 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), 32,
36 and 41 of Bihar Prohibition and Excise (Amendment) Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases and the allegation is of
recovery of 4939.2 litres of liquor from a truck and a pick up
vehicle. 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 or driver of any of the seized
vehicle and he came to be implicated based on secret
information which is the easiest way to implicate someone.
It is next submitted that the petitioner is named in the



F.I.R. based on the fact that he carries a particular mobile number which is mentioned in the F.I.R. but then the F.I.R. does not disclose that on what basis the informant came to know that the owner of the said mobile number is involved in illegal trade of liquor. It is further submitted that it appears that the police in order to save the real culprit falsely implicated the petitioner taking advantage of his antecedents.

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.15000/- (Rupees fifteen 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 Musarigharari P.S. Case No.44/2023, 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 petitioners have antecedent of more than three cases,
in that event, the present anticipatory bail order shall not be
given effect to.

(Satyavrat Verma, J)

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