

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52067 of 2024

Arising Out of PS. Case No.-133 Year-2024 Thana- MANJHI District- Saran

-
1. Rajesh Singh @ Rajesh Kumar Singh S/o Satya Narayan Singh R/o vill - Gaundha Mathiya, P.S. - Rivilganj, Distt. - Saran
 2. Dhananjay Kumar Singh @ Dhanjee Kumar S/o Prabhu Nath Singh R/o Nayaka Barka Baiju Tola, P.S. - Rivilganj, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Parashar, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 01-08-2024 Heard learned counsel for the petitioners as well as learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act in connection with Manjhi P.s. Case No.133 of 2024.

3. The learned counsel for the petitioners submit that the petitioners are person with clean antecedent and the allegation is of recovery of 170.82 liters of liquor from three sacks near bank of river.

4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a place



which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of Chowkidar. It is also submitted that police in majority of the cases implicates mechanically either at the instance of the Chowkidar or local person. It is also submitted that it absolutely does not stand to reason that how Chowkidar identified the petitioners, when petitioners are not known to him.

5. The learned APP opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Manjhi P.s. Case No.133 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 petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is



found that petitioners have antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

U		T	
---	--	---	--

