

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52789 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- PARANDABAR District- Nawada

Ramashish @ Ramanand Prasad @ Ramashish Prasad son of Prayag Yadav @
Prayag Mahto Resident of Village- Bhitya, P.S.- Parnadabar, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-09-2024 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),
30(c), 41 of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
case was taken up on 27-8-2024, when case-diary was called for
but the same till date has not been received.

4. The Court will not wait endlessly for the case diary
and thus proceeds to decide the case on merits based on the
allegations as alleged in the FIR.

5. Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and allegation is of
recovery of 20 litres of liquor along with 2000 litres of *mahua*



solution from forest area.

6. 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 does not belong to the petitioner and is accessible to public at large. It is next submitted that he came to be implicated at the instance of local villager, but then it is submitted that in majority of the cases, the police, in a mechanical manner, implicates either at the instance of Chowkidar, local person, secret information or confessional statement without holding a proper investigation. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically and at time to save the real culprit.

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

8. 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. 500/- (Rupees Five Hundred) 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 Parnadabar P.S. Case No. 106 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. 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 even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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