

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57954 of 2024

Arising Out of PS. Case No.-108 Year-2024 Thana- SATHI District- West Champaran

1. Madan Mukhiya Son of Shivrath Mukhiya R/O Village - Basantpur, P.S.- Sathi, District - West Champaran.
2. Ramu Mukhiya Son of Lalan Mukhiya R/O Village - Basantpur, P.S.- Sathi, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code read with Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of three cases and petitioner no. 2 has antecedent of six cases and allegation is of recovery of 280 liters of liquor from a place beside government tubewell near bank of Sikarhna river.

4. Learned counsel for the petitioners submits that



petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even the 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 next submitted that in majority of the cases police is implicating accused persons either at the instance of *Chowkidar*, local people, secret information or confessional statement in a mechanical manner without holding proper investigation. It is also submitted that those who have antecedent, they are easily implicated by the police with the help of *Chowkidar*.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand) each 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 Sathi P.S. Case No. 108 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 petitioners shall verify their criminal antecedent and in the event if it is found that petitioner no. 1 has antecedent of more than three cases and petitioner no. 2 has antecedent of more than six cases in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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