

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56556 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- UJIYARPUR District- Samastipur

Abhishek Kumar Son of Dineshwar Ray @ Dineshwar Yadav R/O Mohalla-
Anand Vihar, Gali no.1, Ward no. 09, Panjabi Colony, P.s.- Samastipur Town,
Dist.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 09-08-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 30(a), 41(1), 41(2) of the Bihar Prohibition and Excise
Act in connection with Ujiarpur P.S. Case No.142 of 2024.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of four cases and allegation is of
recovery of 4200 liters of liquor from a Truck.

4. 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 the truck and he came to be implicated based on secret information which is the easiest way to implicate someone. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local people, confessional statement or secret information. It is next submitted that it appears that the police in order to save the real culprits falsely implicated the petitioner, taking advantage of his antecedent.

5. The learned APP for the State opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 20,000 /- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-Ist, Samastipur in connection with Ujiarpur P.S. Case No.142 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 petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than four cases, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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