

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56520 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- DURAULI District- Siwan

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MUKESH GOD @ MUKESH SAH SON OF SUBASH SAH RESIDENT OF
VILLAGE - KHAIRATI UDHO, P.S. - DARAULI, DISTRICT - SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 06-08-2024 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 Section 30(a) of the Bihar Prohibition and Excise Act in connection with Darauli P.S. Case No.64 of 2024.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 92 liters of liquor allegedly thrown by the accused who fled from the occurrence.

4. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious



possession and even alleged recovery is from a rural road which does not belong to the petitioner and is accessible to public at large and he came to be implicated at the instance of Chowkidar. It is next submitted police in majority of the cases implicates either at the instance of the Chowkidar or local person in a mechanical manner without holding a proper investigation, when petitioner admittedly is a person with clean 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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No.1, Siwan in connection with Darauli P.S. Case No.64 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 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

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