

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56116 of 2024

Arising Out of PS. Case No.-1430 Year-2024 Thana- Excise P.S. District- Patna

1. UPENDRA KUMAR SON OF SRI BHOLA PRASAD R/V- VILLAGE-IMLIA MAHADEO, P.S.- ALAMGANJ, DISTT.- PATNA
2. VIKASH KUMAR SON OF SRI UMANATH R/V- VILLAGE- IMLIA MAHADEO, P.S.- ALAMGANJ, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Deo

For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2024 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 30(a), 56(b), 32 and 62 of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases and petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 67.095 liters of liquor from an Auto parked in an under constructed house of the petitioner.

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 is not the owner of the seized Auto and even the auto was seized from a place adjacent to his under constructed house and not from the house, but then he came to be implicated at the instance of local people. It is further submitted that in majority of the cases police is implicating accused persons either at the instance of *Chowkidar* or local people in a mechanical manner without holding proper investigation.

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. 10,000/- (Rupees Ten 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 Excise P.S. Case No. 1430 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 the



criminal antecedent of the petitioners and in the event if it is found that petitioner no. 1 has antecedent of more than two cases and petitioner no. 2 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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