

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60071 of 2024

Arising Out of PS. Case No.-285 Year-2024 Thana- BEGUSARAI TOWN District- Begusarai

1. Moti Thakur @ Moti Gupta Son Of Anup Das R/O- Ward No. 40, Shivajee Nagar, P.S.- Town, Distt.- Begusarai And Correct Address- Sarvodaya Nagar Bishnupur Begusarai, Ward No. 40, Po.S.- Town, Distt.- Begusarai
2. Heera Thakur @ Heera Das Son Of Anup Das R/O- Ward No. 40, Shivajee Nagar, P.S.- Town, Distt.- Begusarai And Correct Address- Sarvodaya Nagar Bishnupur Begusarai, Ward No. 40, Po.S.- Town, Distt.- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar
For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-08-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a) and 37(b) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case and petitioner no.2 has antecedent of two cases and the allegation is of recovery of 540 ml of liquor from the house of the petitioner.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is also asserted



and pleaded at Para-8 of the anticipatory bail application that petitioners are not the owner of the house, which amply demonstrates that how police mechanically implicates innocent persons and they came to be implicated based on confessional statement of Amit Kumar and Ranjan Kumar in police custody, which does not have any evidentiary value.

5. Learned A.P.P. opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-1, Begusarai in connection with Town P. S. Case No.285 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that 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 one case and petitioner no.2 has antecedent of more than two cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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