

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58515 of 2024

Arising Out of PS. Case No.-854 Year-2023 Thana- Excise P.S. District- Aurangabad

Vivek Kumar Son of Umesh Yadav R/O Gandhi Nagar, P.S.- Town, Dist.-
Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Anand, Advocate

For the Opposite Party/s : Ms.Meena Singh, 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), 32(1), 32(3), 41(1), 41(2) of the Bihar
Prohibition and Excise Act in connection with Excise P.S. Case
No.854 of 2023.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of five cases and allegation is of
recovery of 319.680 liters of liquor from a Scorpio vehicle.

4. It is next submitted 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 vehicle and he came to be implicated based on secret information which is the easiest way to implicate someone. It is also submitted that police in majority of the cases implicates either at the instance of the Chowkidar, local people, confessional statement or secret information in a mechanical manner without holding proper investigation. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically.

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.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-II, Aurangabad in connection with Excise P.S. Case No.854 of 2023, 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 five 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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