

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63739 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- DHAKA District- East Champaran

Bhuneshwar Giri @ Muneshwar Kumar S/o- Kameshwar Giri VILL -
BARHARWA LAKHANSEN, P.S. - DHAKA, DIST - EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 2 04-09-2024 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, 41(1) of the Bihar Prohibition and Excise Act in connection with Dhaka P.S. Case No.112 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 16.2 liters of liquor from a straw house near the house of Nanhak Mahto and 8.7 liters of liquor from a pit in the field of the petitioner.
4. It is next submitted that petitioner was not arrested



from the spot as such nothing was recovered from his conscious possession and field is a place accessible to villagers at large. It is further submitted that no prudent person would use his own field for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that someone inimical to the petitioner planted meagre amount of liquor in a field with a view to implicate him and his family members.

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 Exclusive Special Judge, Excise Court No.1, East Champaran at Motihari in connection with Dhaka P.S. Case No.112 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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