

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61516 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- HATHAURI District- Muzaffarpur

1. Rakesh Rai @ Rakesh Kumar son of Ramvriksha Ray Ro- 288, Berai, PS-Hathauri, Dist- Muzaffarpur
2. Ramesh Rai @ Ramesh Kumar son of Ramvriksha Ray R/o- Berai, PS-Hathauri, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 31-08-2024 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 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

4. Allegation is of recovery of 295.56 litres of liquor from a mango orchard.

5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even the alleged



recovery is from a place which does not belong to the petitioners and is accessible to public at large. It is next submitted that petitioners are not the owner of the mango orchard and they came to be implicated at the instance of the Chawkidar. It is further submitted that the police in majority of the cases implicate either at the instance of the Chawkidar, local person, secret information or confessional statement in a mechanical manner without holding proper investigation of the case, when admittedly petitioners are persons with clean antecedent.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Hathauri P.S. Case No. 50 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and if it is found that petitioners have 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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