

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59379 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- JHANJHARPUR District- Madhubani

1. Mohammad Sharif @ Md. Sharif Son of Md. Gaffar Resident of Village - Islampur, P.S. - Jhanjharpur, District - Madhubani
2. Tima Nat @ Md. Halim Son of Late Md. Hadis Nat Resident of Village - Islampur, P.S. - Jhanjharpur, District - Madhubani
3. Abdul Salam @ Mister Son of Late Islam Nat Resident of Village - Islampur, P.S. - Jhanjharpur, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-08-2024 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 petitioner no. 1 has antecedent of two cases, petitioner no. 2 has antecedent of nine cases and petitioner no. 3 has antecedent of six cases.

4. Allegation is of recovery of 108 litres of liquor from a place beside a mosque hidden in sand.



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 and they came to be implicated at the instance of the Chawkidar. It is next 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. It is also submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically and at times in order to save the real culprits.

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.45,000/- (Rupees Forty-five Thousand) 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 Jhanjharpur P.S. Case No. 81 of 2024, G.R. No. 338 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 petitioner no. 1 has antecedent of more than two cases, petitioner no. 2 has antecedent of more than nine cases and petitioner no. 3 has antecedent of more than six cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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