

Arising Out of PS. Case No.-77 Year-2024 Thana- Dehri Mufassil District- Rohtas

1. Bhola Kumar @ Bhola Kumar Singh Son of Sudarshan Yadav R/V- Village- Devariya, P.S.- Dehir (Muf), Distt.- Rohtas (Sasaram)
2. Titu Kumar @ Tutu Kumar @ Abhay Kumar Son of Jitendra Yadav R/V- Village- Supa Bigha, P.S.- Dehri (Muf), Distt.- Rohtas (Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar

For the Opposite Party/s : Mr.Kanhaiya Kishore (APP 100)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.1, Bhola Kumar @ Bhola Kumar Singh.

3. Permission is accorded.

4. Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.1, Bhola Kumar @ Bhola Kumar Singh.

5. The petitioner no.2 seeks bail in anticipation of his arrest in a case registered for the offences punishable under



Section 30(a) of the Excise Act.

6. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 40 litres of liquor from a bush.

7. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even alleged recovery is from a place, which does not belong to the petitioner and is accessible to public at large and he came to be implicated at the instance of Chaukidar. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar or local person, secret informant and confessional statement in a mechanical manner without holding proper investigation.

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

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner no.2, 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) each with two sureties of the like amount each to



the satisfaction of the learned Exclusive Special Judge, Excise Court No.1, Rohtas (Sasaram) in connection with Dehri (Muffasil) P. S. Case No.77 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

11. 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 to.

(Satyavrat Verma, J)

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