

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58919 of 2024

Arising Out of PS. Case No.-192 Year-2024 Thana- RIGA District- Sitamarhi

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1. Laxmi Sah S/O Nathuni Sah R/O Village- Rampur, Gangauli, P.S- Riga, Distt.- Sitamarhi.
 2. Gulten Mahto S/O Late Ramchandra Mahto R/O Village- Rampur, Gangauli, P.S- Riga, Distt.- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 14-08-2024 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 Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that the petitioner no.1 has one criminal antecedent and petitioner no.2 has three criminal antecedents and allegation is of recovery of 156 litres liquor from poultry farm of one Tutu Singh.
4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even alleged



recovery is from a place which does not belong to the petitioners and they came to be implicated at the instance of *Chowkidar*. It is also submitted that in majority of the cases, the police, in a mechanical manner, implicates either at the instance of Chowkidar, local person, secret information and confessional statement without holding a proper investigation.

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

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Riga P.S. Case No. 192 of 2024 subject to the conditions as 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 petitioners shall verify the criminal antecedents of the petitioners and in the event if it is found that the petitioner no.1 has antecedent of more than one



case and petitioner no.2 has antecedent of more than three cases
in that event the present anticipatory bail order shall not be
given effect to.

(Satyavrat Verma, J)

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