

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58202 of 2024

Arising Out of PS. Case No.-175 Year-2024 Thana- MAJORGANJ District- Sitamarhi

Keshav Jha Son of Triveni Jha R/V- Village- Sangrampur Fandah, P.S.- Riga,
distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 14-08-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 32(1), 32(2), 41, 42(i)(ii) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that petitioner has antecedent of five cases and allegation is of recovery of 1818 liters of liquor from a pick-up vehicle.
4. Learned counsel for the petitioner submits that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and is not the owner of the seized vehicle and he came to be implicated based on secret information which is the easiest way to implicate someone. It is also submitted that police, in majority of the cases, implicates accused either at the instance of *Chowkidar*, local person, secret information or confessional statement in a mechanical manner



without holding proper investigation. It is also submitted that it appears that the police in order to save the real culprits falsely implicated the petitioner taking advantage of his antecedent.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Majorganj P.S. Case No. 175 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear 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 more than five cases in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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