

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60593 of 2024

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

1. Jitendra Rai Son of Rampreet Rai R/V- Village- Pachharwa, Ward No- 6, PS- Majorgani, Distt.- Sitamarhi
2. Rahul Kumar Son of Shiv Prasad Roy R/V- Village- Belwa Parri, P.S.- Majorganj, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 22-08-2024 1. Heard learned counsel for the petitioners as well as learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 414 of the IPC and Section 30(a), 32(1), 32(2), 41, 42(i),(ii) of the Bihar Prohibition and Excise Act in connection with Majorganj P.S. Case No.175 of 2024.

3. The learned counsel for the petitioners submit that the petitioner no.1 has antecedent of one case and petitioner no.2 has antecedent of three cases and the allegation is of recovery of 1818 liters of liquor from a Tata Pickup vehicle.

4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their



conscious possession and they are not the owner of the seized vehicle and they came to be implicated at the instance of Chowkidar. It is next submitted police in majority of the cases implicates either at the instance of the 'Chowkidar', local person, secret information or confessional statement in a mechanical manner without holding proper investigation. It is also submitted that once a person is implicated in a case relating to excise thereafter the police starts implicating mechanically.

5. The learned APP for the State opposes the anticipatory bail application.

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 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.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Exclusive Special Excise Court -01, Sitamarhi in connection with Majorganj P.S. Case No.175 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal



antecedent of the petitioners and in the event, if it is found that 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.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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