

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60511 of 2024

Arising Out of PS. Case No.-159 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Pankaj Rai @ Pankaj Kumar Rai, Son of Kailash Rai R/V- Village- Lithiyahi,
P.S.- Raghopur (Rustumpur O.P.), Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra
For the Opposite Party/s : Mr.Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 30(a) and 41(a) of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of fifteen cases and allegation is of
recovery of 243 litres of liquor from a hut situated in front of the
house of Jai Prasad Rai.
4. 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 he came to be implicated at the instance of local person. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret informant and confessional statement in a mechanical manner without holding proper investigation. It is also submitted that at times the police take aid of implicating of an accused at the instance of local people in order to save the real culprit without disclosing the name of the person, who disclosed the name of the accused. It is next submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically.

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

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 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.75,000/- (Rupees Seventy Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-II-cum- Additional District & Sessions Judge, Vaishali at Hajipur in connection with C2A No.159 of 2021 arising out of



P.R. No.13 dated 30.07.2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. 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 more than fifteen cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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