

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59816 of 2024

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

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1. Md. Salam @ Md. Salam Ansari Son of Yasin Ansari R/o Village- Murliya Chak Ward No.03, P.S.- Punaura, District- Sitamarhi
 2. Ramesh Mahto Son of Hulas Mahto R/o Village- Pachharwa, P.S.- Majorganj, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Ms. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 20-08-2024 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 414 of the Indian Penal Code read with Sections 30(a), 32(i)(ii), 41 and 42(i)(ii) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioners have antecedent of two cases and allegation is of recovery of 1818 liters of liquor from a Tata pick-up vehicle.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and are not the owner of the seized vehicle and they came to be implicated at the instance of *Chowkidar*. It is further submitted that in majority of the cases police implicates accused persons 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 once an accused is implicated in a case relating to excise, the police starts implicating mechanically at times for saving the real culprits.

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. 10,000/- (Rupees Ten 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 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 petitioners shall verify their criminal antecedent and in the event if it is found that any of the petitioners have antecedent of more than two cases in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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