

Arising Out of PS. Case No.-408 Year-2023 Thana- KARAHGAR District- Rohtas

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Opposite Party/s : Ms. Veena Kumari Jaiswal

2 21-08-2024 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 Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and allegation is of recovery of 11 liters of liquor from straw house of the petitioner.

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 straw house is a place outside the house and thus is accessible to villagers at large and it appears that someone inimical to the petitioner planted meager amount of liquor with a view to implicate the petitioner and his family members. It is next submitted that no prudent person would



use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that he came to be implicated at the instance of *Chowkidar* with whom he is on an inimical term.

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. 5,000/- (Rupees 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 Kargahar (Barhari O.P.) P.S. Case No. 408 of 2023 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 one case in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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