

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61541 of 2024

Arising Out of PS. Case No.-161 Year-2024 Thana- RIVILGANJ District- Saran

1. Rameshwar Rai @ Rameshwar Ray @ Kameshwar Rai @ Kameshwar Ray
Son of Dudhnath Rai R/V- Village- New Basti Bhadpa, P.S.- Rivilganj,
Distt.- Saran at Chapra
2. Triloki Rai Son of Chapit Rai R/V- Village- New Basti Bhadpa, P.S.-
Rivilganj, Distt.- Saran at Chapra
3. Santosh Rai @ Santosh Yadav Son of Dev Rai R/V- Village- New Basti
Bhadpa, P.S.- Rivilganj, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha
For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-08-2024 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 offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioners submits that
petitioner no.1 has antecedent of three cases, petitioner no.2 has
antecedent of one case and the petitioner no.3 is a person with
clean antecedent and allegation is of recovery of 104.64 litres of
liquor from a place near bank of Saryug river. It is next
submitted that petitioners were not arrested from the spot as



such nothing was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of local villager but then the name of the local person who disclosed the name of the petitioner is not mentioned in the F.I.R., which casts an aspersion on the case of prosecution. It is also submitted that police in majority of the cases implicates either at the instance of chowkidar, local person, secret information or confessional statement without holding proper investigation in a mechanical manner.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.15000/- (Rupees fifteen 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 Rivilganj P.S. Case No.161/2024, subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 has antecedent of more than three cases, petitioner no.2 has antecedent of more than one case and the petitioner no.3 has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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