

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61392 of 2024

Arising Out of PS. Case No.-789 Year-2021 Thana- DANAPUR District- Patna

Bhola Rai Son of Amar Nath Ray Resident of Village- Police Colony Road
No. 2, Pachuchak, P.S.- Danapur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2024 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 offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases and allegation is of
recovery of 77 litres of liquor from a car and 25.92 litres from a
cow-shed. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession and is not the owner of the seized car 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
people. 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. It is also submitted that once an accused is implicated in a case relating to liquor, the police starts implicating mechanically and at times to save the real culprit.

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

5. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty 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 Danapur P.S. Case No.789/2021, 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 petitioner shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than four cases, in



that event, the present anticipatory bail order shall not be given effect to.

7. Today, altogether 24 cases relating to excise were taken up. In 24 cases, there were 24 petitioners, out of which, 13 petitioners were persons with clean antecedent. Further, in 13 cases, the recovery is less than 30 litres of liquor, further in few cases, the recovery was in between 1 litre to 10 litres, as such, the total amount of liquor alleged to have been seized is 3902.88 litres along with 10350 litres of Jawa Mahua.

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

