

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62043 of 2024

Arising Out of PS. Case No.-414 Year-2024 Thana- MUFFASIL District- West Champaran

Santosh Ram S/o- Late Ramchandra Ram Village- Farm Chowk Lalgarh Ps-
Bettiah Muffasil Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act in connection with Bettiah Muffasil (Banuchhapar) P.S. FIR No.414 of 2024.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 05 liters of liquor from a bush.

4. It is next submitted 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 is accessible to public at large and he came to be implicated at the instance of



independent witnesses, but then it is submitted police in majority of the cases implicates either at the instance of the 'Chowkidar', local person, secret information, confessional statement and independent witnesses in a mechanical manner without holding proper investigation, when petitioner admittedly is a person with clean antecedent.

5. The learned APP for the State 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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-I, West Champaran at Bettiah in connection with Bettiah Muffasil (Banuchhapar) P.S. FIR No.414 of 2024., subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. 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 even one case, in that



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

8. The application stands allowed.

9. Today 26 cases relating to excise were taken up. In 26 cases there were 32 petitioners out of which 15 petitioners were persons with clean antecedent, further in 11 cases the recovery is less than 30 liters of liquor, further in few cases the recovery was in between 01 liter to 10 liters as such the total amount of liquor alleged to have been seized is 2996.24 liters of liquor.

(Satyavrat Verma, J)

Prakash Narayan

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