

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62911 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- KHODAWANDPUR District- Begusarai

1. Santosh Das @ Santosh Kumar Das, Son of Ramanand Das Resident of Village- Phaphaut Tola Sinarpura, Ward no. -13, P.S -Khodawandpur, District -Begusarai
2. Rajesh Kumar, Son of Bhola Rajak Resident of Village- Chakyadu Phaphaut Tola Sinarpura, Ward no. -14, P.S -Khodawandpur, District -Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad Ms.Rani Shashi Bharti
For the Opposite Party/s	:	Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits
that the petitioners have antecedent of three cases and the
allegation is of recovery of 94.65 litres of liquor from the field
of Saurav Kumar.

4. The learned counsel for the petitioners submits
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 they came to be implicated at the instance of Chaukidar. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret informant and 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.

5. Learned A.P.P. opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-1, Begusarai in connection with Khodawandpur P. S. Case No.86 of 2024, subject to the



conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of more than three cases, in that event, the present anticipatory bail order shall not be given effect to.

9. Today, 40 cases relating to excise were taken up. In 40 cases, there were 44 petitioners out of which, 17 petitioners were persons with clean antecedent. Further, in 19 cases, the recovery of liquor was less than 30 litres, in few cases the recovery of liquor was in between 01 litre to 10 litres, as such, total amount of liquor alleged to have been seized is 3098.96 litres of liquor along with 3300 litres of jawa mahua and 280 kg. of mahua Pass.

(Satyavrat Verma, J)

vikash/-

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

