

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65243 of 2024

Arising Out of PS. Case No.-350 Year-2024 Thana- MASHRAK District- Saran

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1. Mantu Kumar @ Mantu Rai son of Makun Rai Village- Mashrakh Dakshin tola, Ps- Mashrakh, Dist- Saran
 2. Krishna Thakur @ Kishan Kumar Son of Sudarshan Thakur Village- Mashrakh Gopal Bari, Ps- Mashrakh, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 10-09-2024 Heard learned counsel for the petitioners as well as 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 Bihar Prohibition and Excise Act in connection with Mashrakh P.S. Case No.350 of 2024.

3. The learned counsel for the petitioners submit that the petitioner no.1 has antecedent of four cases and petitioner no.2 has antecedent of three cases and allegation is of recovery of 17.28 liters of liquor from two motorcycles.

4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and are not the owner of any of the seized



motorcycles and they came to be implicated at the instance of local people, but then it is submitted that police in majority of the cases implicates either at the instance of the 'Chowkidar', local person, secret information or confessional statement in a mechanical manner without holding proper investigation. It is also submitted that once a person is implicated in a case relating to excise, in that event the police starts implicating mechanically in all cases.

5. The learned APP for the State 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 his furnishing bail-bonds in the sum of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Mashrakh P.S. Case No.350 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, 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 petitioner no.1 has antecedent of more than four cases and petitioner no.2 has antecedent of more than three cases, in that event, the present anticipatory bail order shall not be given effect to..

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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