

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64972 of 2024

Arising Out of PS. Case No.-409 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Pappu Rai @ Pappu Kumar @ Pappu Kumar Rai Son of Bhagwan Ray
Village- Kailapatti Ps- Saraiya Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-09-2024 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 offences punishable under Sections 30(a) and 32(3) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that petitioner has antecedent of 11 cases, but inadvertently at Para-3 of the anticipatory bail application, it has been recorded that petitioner has antecedent of ten cases and allegation is of recovery of 1988.28 liters of liquor from a Container.
4. Learned counsel for the petitioner submits 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 container and he came to be implicated based on secret information which is the easiest way to implicate someone. It is next submitted that police in majority of the cases implicates accused persons either at the instance of *Chowkidar*, local person, secret



information or confessional statement in a mechanical manner without holding a proper investigation. It is next submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically and at times to save the real culprits.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 55,000/- (Rupees Fifty Five 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 Excise P.S. Case No. 409 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, 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 more than 11 cases in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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