

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67691 of 2024

Arising Out of PS. Case No.-513 Year-2024 Thana- Excise P.S. District- Nawada

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1. Raja Kumar Son of Ashok Singh Resident of Village- Brahm Sthan Ward No.18, P.S.- Hisua, District- Nawada
 2. Suraj Kumar Son of Manoj Saw @ Tuntun Saw Resident of Village- Teli Tola, Brahm Sthan Ward No.18, P.S.- Hisua, District- Nawada
 3. Angad Kumar @ Kalicharn @ Angad @ Kalicharn Kumar Son of Ashok Singh Resident of Village- Brahm Sthan Ward No.18, P.S.- Hisua, District- Nawada

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 19-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that petitioner no.1 and 2 have two criminal antecedents whereas petitioner no. 3 is a person with clean antecedent and allegation is of recovery of 46.84 litres liquor near Brahm Asthan and 375 ml from the possession of Vikash Kumar.
4. 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 the alleged recovery is from a place which does not belong to the petitioner and is accessible to public at large and they have no concern or relation with Vikash 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 accused persons either at the instance of Chowkidar, local person, secret information or confessional statement in a mechanical manner without holding a proper investigation.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each 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 Nawada Excise P.S. Case No. 513 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 petitioners shall verify the criminal antecedent of the petitioners and in the event if it is found that the petitioner nos.1 and 2 have antecedent of more than two cases and the petitioner no.3 has criminal antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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