

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66126 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- NARDIGANJ District- Nawada

-
1. Sintu Choudhary @ Sintu Kumar son of Gore Lal Choudhary Village- Pesh, Ps- Nardiganj, Dist- Nawada
 2. Pintu Choudhary @ Prasant Kumar Son of Gore Lal Choudhary Village- Pesh, Ps- Nardiganj, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha
For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 11-09-2024 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)(d) of the Excise Act.
3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case and petitioner no.2 is a person with clean antecedent and the allegation is of recovery of 14 litres of liquor was seized from a place near a canal.
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 petitioner and is accessible to public at large and he 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.

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.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Exclusive Special Court Excise-2, Nawada in connection with Nardiganj P. S. Case No.120 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 petitioner no.1 has antecedent of more than one case and petitioner no.2 has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

vikash/-

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

