

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68096 of 2024

Arising Out of PS. Case No.-220 Year-2024 Thana- DALSINGHSARAI District- Samastipur

1.

Chandan Kumar, Son of Ram Sagar Mahto Resident of Village Bambaiya Harlal, P.S.-Dalsinghsarai, District- Samastipur
2.

Rajesh Kumar @ Rajesh Kumar Mahto, Son of Ram Sagar Mahto Resident of Village Bambaiya Harlal, P.S.-Dalsinghsarai, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra
For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2

19-09-2024

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 petitioner no.1 has antecedent of three cases and petitioner no.2 has antecedent of two cases, but inadvertently at Para-3 of the anticipatory bail application, it has been recorded that petitioner no.1 has antecedent of two cases and petitioner no.2 has antecedent one case and the allegation is of recovery of 1316.76 litres of liquor from a bamboo orchard.



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 is accessible to public at large and they came to be implicated at the instance of local person. 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 in order to save the real culprits.

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. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-1, Samastipur in connection with Dalsinghsarai P.



S. Case No.220 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 three cases and petitioner no.2 has antecedent of more than two cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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