

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69845 of 2024

Arising Out of PS. Case No.-246 Year-2024 Thana- MAHNAR District- Vaishali

Chandan Kumar @ Bholu S/o Arvind Rai @ Arvind Kumar Rai R/o vill and
Post - Narayanpur Dedhpura, P.S. - Mahnar, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-10-2024 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 Section 30(a) of the Bihar Excise
Act.
3. Learned counsel for the petitioner submits that the
petitioner has antecedent of nine case and allegation is of recovery of
142.38 litres of liquor from rice mill of Manoj Rai.
4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and even alleged recovery is
from a place which does not belong to the petitioner. It is next
submitted that he came to be implicated at the instance of Chowkidar
but then it is submitted that if the Chowkidar was aware about the
involvement of the petitioner, then why he did not inform the police



prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution. It is next submitted that petitioner has no concern or relation with Manoj or his rice mill. It is submitted that in majority of the cases, police, in a mechanical manner, implicates either at the instance of Chowkidar, local person, secret information or confessional statement without holding a proper investigation.

5. Learned A.P.P. for the State, Shri. Chandra Bhushan Prasad, opposes the prayer for anticipatory bail of the petitioner and submits that petitioner has antecedent of nine cases and if the privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

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. 45,000/- (Rupees Forty-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 Mahnar P.S. Case No. 246 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal



antecedents of the petitioner and in the event if it is found that the petitioner has antecedent of more than nine cases, in that event, the present anticipatory bail order shall not be given effect to.

8. It is further made clear that the petitioner will keep marking his attendance in the concerned police station in between 10 to 15 of every month commencing from October 2024 till the charge sheet is not submitted. In the event, if the petitioner does not mark his attendance in the concerned police station, in between the aforesaid date in any month prior to filing of charge sheet, in that event, the Investigating Officer of the case will file an application before the learned trial court bringing to its notice that petitioner is violating the condition of the grant of anticipatory bail and the learned trial court shall be at liberty to cancel the bail bond of the petitioner and to take all coercive steps to ensure that petitioner is behind bars.

9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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