

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71209 of 2024

Arising Out of PS. Case No.-180 Year-2024 Thana- RIVILGANJ District- Saran

1. Omprakash Singh S/o Kamta Singh Resident of Village- Naiyaka Barka Baiju Tola, P.S.- Rivilganj, District- Saran at Chapra
2. Dhanjee Singh @ Dhananjay Kumar Singh S/o Prabhu Singh Resident of Village- Naiyaka Barka Baiju Tola, P.S.- Rivilganj, District- Saran at Chapra
3. Alok Kumar @ Alok Kumar Singh S/o Brijbihari Singh Resident of Village- Naiyaka Barka Baiju Tola, P.S.- Rivilganj, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-10-2024 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no. 1 and 3 have antecedent of one case and petitioner no. 2 has antecedent of three cases.

4. Allegation is of recovery of 336.96 litres of liquor from a Scorpio.

5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and are not the owner of the seized vehicle. It is further submitted that petitioners came to be implicated based on the secret information which is the easiest way to implicate someone. It is next submitted that the police in majority of the cases implicate either at the instance of the Chawkidar, local people, secret information or confessional statement in a mechanical manner without holding proper investigation of the case. It is also submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically.

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

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Rivilganj P.S. Case No. 180 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and if it is found that petitioners no. 1 and 3 have antecedent of more than one case and petitioner no. 2 has antecedent of more than three cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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