

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69946 of 2024

Arising Out of PS. Case No.-212 Year-2018 Thana- ARARIA District- Araria

Niyaj Sagar Son of Md Ziaul Haque R/O Vill.- Sisouna, Ward no. 4, P.S.-
Jokihat, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 26-09-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 30(a), 36, 38 of the Bihar Prohibition and Excise Act in
connection with Araria P.S. Case No.212 of 2018.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of two cases and allegation is of
recovery of 144 liters of liquor from a Sumo vehicle.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious



possession and is not owner of the alleged seized vehicle and he came to be implicated based on secret information which is the easiest way to implicate someone. It is also submitted that once a person is implicated in a case relating to excise, the police starts implicating mechanically.

5. The learned APP for the State opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-Ist, Araria in connection with Araria P.S. Case No.212 of 2018, subject to the conditions 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 antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than two cases, in that event, the present anticipatory bail order shall not be given



effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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