

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69409 of 2024

Arising Out of PS. Case No.-192 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

1. Bullet Singh Son of Ramjit Singh R/O Vill.- Salehpur, P.S.- Bishmbharpur, District - Gopalganj.
2. Sujeet Singh @ Sujit Kumar Singh Son of Wakil Singh R/O Vill.- Salehpur, P.S.- Bishmbharpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aadesh Raj Singh, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-09-2024 Heard learned counsel for the petitioners as well as 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)/41 of the Bihar Prohibition and Excise Act in connection with Bishambharpur P.S. Case No.192 of 2023.

3. The learned counsel for the petitioners submit that the petitioner no.1 has antecedent of three cases and petitioner no.2 has antecedent of six cases and allegation is of recovery of 306 liters of liquor from a Sugarcane field.

4. It is next submitted 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 based on disclosure made by local people, but then it is submitted that police in majority of the cases implicates either at the instance of the 'Chowkidar', local person, secret information or confessional statement in a mechanical manner without holding proper investigation. It is also submitted that once a person is implicated in a case relating to excise, in that event 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 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 his furnishing bail-bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge, IV-cum-Exclusive Special Excise Court No.II, Gopalganj in connection with Bishambharpur P.S. Case No.192 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



7. However, 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 six cases, in that event, the present anticipatory bail order shall not be given effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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