

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70796 of 2024

Arising Out of PS. Case No.-290 Year-2024 Thana- DESARI District- Vaishali

Niraj Kumar S/o Bisheshwar Rai @ Viseshwar Ray Resident of Village -
Madhopur, PS- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-09-2024 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 Sections 324(4)(5) of BNS Act
read with Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of eight cases and allegation is of recovery
of 1095.84 liters of liquor from a pick up vehicle.

4. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and is not the owner of the
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 police in majority of the cases implicates accused
persons either at the instance of *Chowkidar*, local person, secret



information or confessional statement in a mechanical manner without holding a proper investigation. It is next submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically and at times to save the real culprits.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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. 40,000/- (Rupees Forty 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 Desari P.S. Case No. 290 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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