

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72662 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- GANGABRIDGE District- Vaishali

1. Vakil Rai, Son Of Rudal Rai Resident Of Village - Terasiya, Police Station - Ganga Bridge, District - Vaishali.
2. Arjun Rai, Son Of Kripal Rai Resident Of Village - Diwan Tol, Police Station - Ganga Bridge, District - Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar Dubey
For the Opposite Party/s : Ms.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-10-2024 1. Heard learned counsel for the petitioners and 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 414 of the I.P.C. and Section 30(a) of the Excise Act.
3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of three cases and petitioner no.2 is a person with clean antecedent and the allegation is of recovery of 200 litres of liquor from a motorcycle and 15 litres of liquor from possession of Ajay Rai.
4. The 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 seized motorcycle and have no connection with Ajay Rai and they came to be implicated based on secret information, which is the easiest way to implicate someone.

5. Learned A.P.P. 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 their furnishing bail-bonds in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1-cum- Additional District & Sessions Judge, Vaishali at Hajipur in connection with Ganga Bridge P. S. Case No.93 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that 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 even one case, in that event, the present anticipatory bail order shall not be given effect to.

9. Today, 22 cases of excise were taken up, in 22 cases, there were 26 petitioners, out of which, 14 petitioners were persons with clean antecedent and in 10 cases, the recovery was less than 30 litres, as such, the total liquor alleged to have been seized is 4681.36 litres along with 1400 litres of jawa mahua and 1600 litres of spirit.

(Satyavrat Verma, J)

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