

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72405 of 2024

Arising Out of PS. Case No.-175 Year-2024 Thana- GANGABRIDGE District- Vaishali

1. BISHWAJEET KUMAR @ FUNTA S/o Ranjay Singh Resident of Village- Sahduulahpur, Police station- Ganga Bridge, District- Vaishali
2. Raja Kumar S/o Ram Naresh Singh @ Ram Naresh Rai Resident of Village- Sahduulahpur, Police station- Ganga Bridge, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-10-2024 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 offences punishable under Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that the petitioner No. 1 has antecedent of three cases while petitioner No. 2 has antecedent of five cases and allegation is of recovery of 127.46 litres of liquor from a place behind the hut of Rajesh Kumar.
4. Learned counsel for the petitioners submits that the 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 they came to be implicated at the instance of Chowkidar but then it is submitted that if the Chowkidar was aware about the involvement of the petitioners, then why he did not inform the police prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically. It is next submitted that in majority of the cases, police, in a mechanical manner, implicates either at the instance of Chowkidar, local person, secret information or confessional statement without holding a proper investigation.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) each 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 Ganga Bridge P.S. Case No. 175 of 2024, subject to the conditions as 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 petitioners shall verify the criminal antecedents of the petitioners and in the event if it is found that the petitioner No. 1 has more than three antecedents and Petitioner No. 2 has antecedent of more than five cases, in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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