

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79252 of 2024

Arising Out of PS. Case No.-435 Year-2022 Thana- NARPATGANJ District- Araria

Raju Mukhiya Son of Mahabir Mukhiya Resident of Village - Basantpur PS-
Birpur District -Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shatrughna Pandey, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2024 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 offence punishable under Sections 272 and 273 of the Indian
Penal Code as well as Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of five cases.

4. Allegation is of recovery of 108 litres of liquor from a
bicycle.

5. 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 bicycle. It is further submitted that petitioner came to be
implicated based on the confessional statement of Bhagwan Paswan
in police custody which does not have any evidentiary value in the



eye of law. It is next submitted that police at times in order to save the real culprits falsely implicate innocent people taking advantage of their antecedent.

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

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below 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) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Narpatgang Basmatiya P.S. Case No. 435 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner 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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