

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73671 of 2024

Arising Out of PS. Case No.-224 Year-2024 Thana- BHAGWANPUR District- Vaishali

1. Deepu Kumar @ Deepu Rai @ Deepak Kumar Son of Dharmendra Rai Resident of Village- Sathiauta, P.S.- Bhagwanpur, District- Vaishali
2. Pankaj Kumar @ Fuddi Rai @ Pankaj Rai @ Panakj Kumar Son of Dharmendra Rai Resident of Village- Sathiauta, P.S.- Bhagwanpur, District- Vaishali
3. Prince Raj @ Chhotu Son of Shiv Kumar Tiwari Resident of Village- Panchrukhi, P.S.- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar
For the Opposite Party/s : Ms.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-03-2025 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 Nos. 1 and 3 have antecedent of four cases and allegation is of recovery of 27 litres of liquor from a place near the house of Deepu Kumar, further 354.24 litres of liquor is alleged to have been recovered from a tank and 531 liters of liquor is alleged to have been recovered from a pick-up vehicle



along with 108 litres of liquor from another pick-up vehicle, as such the total amount of liquor recovered is alleged to be 1020.24 litres.

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 is accessible to public at large and petitioners are neither the owner nor driver of any of the seized vehicles and they came to be implicated based on secret information which is the easiest way to implicate someone. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically.

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 petitioner Nos. 1 and 3 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 **provisional anticipatory bail** on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty 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 Bhagwanpur P.S. Case No. 224 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 after accepting the bail bonds of the petitioner Nos. 1 and 3 shall verify their criminal antecedents and in the event if it is found that the petitioner Nos. 1 and 3 have more than four antecedents, in that event the present provisional anticipatory bail order shall not be confirmed, but if after verification it is found that petitioner No. 1 and 3 have antecedent of four criminal cases only, then their provisional anticipatory bail shall be confirmed forthwith.

(Satyavrat Verma, J)

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