

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39658 of 2020

Arising Out of PS. Case No.-305 Year-2020 Thana- BARAUNI District- Begusarai

Aman Kumar Shubham @ Aman Kumar @ Kaju @ Raju, Son of Shiv Kumar
Rai, Resident of Village- Daniyalpur, P.S.- Teghra, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-06-2021 Heard Mr. Anil Kumar Choudhary, the learned

Advocate for the petitioner and Mr. Jai Narain Thakur, the

learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Barauni P.S. Case No. 305 of
2020, instituted for the offences under Sections 30(a) and
41(1) (2) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

The learned counsel for the petitioner has
submitted that he is sought to be prosecuted in this case
only on the basis of confession of an arrested accused
person, even when there has not been any recovery from his



possession. He has further submitted that another case, viz., Teghara P.S. Case No. 235 of 2020 was filed in which also the petitioner has been made accused but only on the confession of an arrested accused person. The case in which the petitioner is seeking bail and the aforesaid Teghara P.S. Case No. 235 of 2020 practically arise out of same transaction.

However, this Court has noticed the fact that the petitioner has been made accused in yet another case of similar nature in the year 2019 vide Teghara P.S. Case No. 208 of 2019.

The learned counsel for the petitioner has submitted that in the aforesaid case, the petitioner is on bail.

However, considering the fact that the petitioner was made accused in a case of similar nature in the year 2019 also, I am not inclined to grant anticipatory bail to him, notwithstanding the fact that there has not been any recovery from his constructive or personal possession.

The prayer for grant of anticipatory bail of the petitioner is, accordingly, rejected.



However, if the petitioner surrenders before the Court below and seeks bail, the Court below, after taking into account that there is no recovery from the house of the petitioner and he is being prosecuted in this case only on the basis of confession of an arrested accused person, shall pass orders in accordance with law, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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