

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70540 of 2022

Arising Out of PS. Case No.-112 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

BAM BAM JHA @ BAM BAM KUMAR JHA S/O SITARAM JHA Resident
of village- Korthu, P.S.- Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sameer Ranjan, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30(a) of the Bihar
Excise Act.

Learned counsel for the petitioner submits that
petitioner has antecedent of three cases and allegation is of
recovery of 427.68 liters of liquor from a Bolero pick-up Car.

Learned counsel for the petitioner submits that
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession, it is next submitted that
he came to be implicated at the instance of *Chowkidar* with whom
he is on an inimical term and also in the confessional statement of
Rahul Kumar in police custody which does not have any
evidentiary value, it is next submitted that police because of



antecedent got him implicated through the *Chowkidar* and Rahul. It is also submitted that petitioner is neither the owner nor the driver of the alleged vehicle.

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

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 15,000/- (Rupees Fifteen 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 Ghanshyampur P.S. Case No. 112 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned Trial Court before accepting the bail bonds shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than three cases then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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