

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22283 of 2024**

Arising Out of PS. Case No.-167 Year-2023 Thana- FULKAHA District- Araria

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Rustam Kumar @ Amit Kumar SON OF BAHAMDEV YADAV @  
BRAHMDEV YADAV RESIDENT OF VILLAGE - MANIKPUR, POLICE  
STATION - FULKAHA, DIST- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      10-04-2024                      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 offences punishable under Section 414 of the  
Indian Penal Code and Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

3. Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent.

4. Allegation is of recovery of 140.1 litres of liquor  
from six motorcycles.

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 he came to be  
implicated based on the confessional statement of apprehended  
accused in police custody which does not have any evidentiary



value in the eye of law and petitioner is not the owner of any of the seized vehicles. It is further submitted that it appears that the police in order to save the real culprits falsely implicated the petitioner through the apprehended accused.

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, 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.500/- (Rupees Five Hundred) 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 Fulkaha P.S. Case No. 167 of 2023, 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 even one case in that event the present anticipatory bail order shall not be given effect to.

**(Satyavrat Verma, J)**

Kundan/-

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