

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23335 of 2024**

Arising Out of PS. Case No.-1253 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Sanjeev Kumar Son Of Hiranman Yadav Resident Of Village- Chiutahi
Gagalwa Tola, Ps- Turkauliya, Dist- East Chaparan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 30-04-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 272, 273 and 34 of the Indian Penal Code and 30(a),
36, 41(i) of the Bihar Prohibition and Excise Act, 2016.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of eight cases and allegation is of
recovery of 235 liters of spirit from a place near a canal situated
beside the field of one Jawahar Singh.

4. It is next submitted 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 identification of the informant. It is next submitted that alleged recovery is from a place which does not belong to the petitioner and is accessible to public at large and it appears that the informant in order to save the real culprits falsely implicated the petitioner taking advantage of his antecedents.

5. The learned APP opposes the anticipatory bail application.

6. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.40,000/- (Rupees Forty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.1, Motihari, East Champaran in connection with Turkauliya P.S. Case No.1253 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is further made clear that the learned trial court shall also verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more



than eight antecedents, the present anticipatory bail order shall not be given effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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