

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24636 of 2024**

Arising Out of PS. Case No.-2 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

Shankar Yadav @ Shankar Kumar S/o Shri Dev Narayan Yadav R/o ward no.
5, Vill - Kataiya Mahe, P.S. - Pipra, Distt. - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Satyendra Kumar Jha, Advocate
For the Opposite Party/s : Mr Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 03-04-2024 Heard learned counsel for the petitioner and the
learned APP for the State.

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

3 Learned counsel for the petitioner submits that the petitioner has two antecedents and allegation is of recovery of 69.930 liters of foreign liquor from a bamboo bush and a maize field. It is next submitted that the petitioner was not arrested from the spot and, as such nothing was recovered from his conscious possession and even the alleged field does not belong to the petitioner and is accessible to the public at large. It is also submitted that in majority of the cases, the police, in a



mechanical manner, is implicating the innocent persons at the instance of Chowkidar or local people but then it does not stand to reason that if Chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which further casts aspersion on the case of the prosecution.

4 Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

5 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 his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) 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 Supaul Excise PS Case No 2 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr P C.

6 It is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has more than two antecedent, in that



event, the present anticipatory bail order shall not be given effect.

(Satyavrat Verma, J)

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