

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25868 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- GHORASAHAN District- East
Champaran

Jumai Mian S/o Late Hasim Mian R/o vill - Ghorasahan Chothwa Ghat Road
no. 1, P.s. - Ghorasahan, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava
For the Opposite Party/s : Mr. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-04-2024 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 offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2022.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 7.5 litres of liquor from a place behind the house of
petitioner and 33.50 litres of liquor from a shop. It is next
submitted that petitioner was not arrested from the spot as such
nothing was recovered from his conscious possession and even
alleged recovery of 7.5 litres of liquor is from a place, which
does not belong to the petitioner and is accessible to public at



large. Further, the shop from where 33.50 litres of liquor is alleged to have been recovered does not belong to the petitioner and he came to be implicated at the instance of chowkidar. It is further submitted that the police in a mechanical manner implicates at the instance of chowkidar. It is also submitted that if chowkidar was aware of the involvement of the petitioner in the occurrence why he did not inform the police prior to institution of the instant F.I.R, which casts an aspersion on the case of the prosecution.

4. Learned A.P.P. 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 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 trial court where the case is pending/successor court in connection with Ghorasahan P.S. Case No.90/2024, 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 antecedents of the petitioner and in the event 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)

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