

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30252 of 2024

Arising Out of PS. Case No.-20 Year-2024 Thana- Excise P.S. District- Samastipur

Naveen Kumar Sah @ Sanjay Sah @ Naveen Sah S/O Late Ashok Kumar Sah
@ Late Ashok Sah R/O Village- Bhagwanpur Chakshekhu, P.S-
Dalsinghsarai, Distt.- Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-04-2024 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 Sections 30(a) and 45 of Bihar
Prohibition and Excise (Amendment) Act.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of seven cases and allegation is of recovery
of 17.085 litres of liquor from three accused persons as detailed in
the F.I.R. 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 confessional
statement of apprehended accused in police custody, which does not
have any evidentiary value. It is also submitted that even alleged
recovery is of a meager amount of 17.085 litres of liquor from three
persons and it appears that police mechanically got the petitioner



implicated taking advantage of his antecedents.

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.35000/- (Rupees thirty five 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 Patori Excise P.S. Case No.20/2024, 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 more than seven cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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