

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26883 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- MASHRAK District- Saran

Abhiranjan Singh @ Haradiya @ Narayan S/o- Harendra Singh R/o Vill-
Gopalwari (Barham Sthan), P.S- Mashrakh, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-04-2024 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 the Bihar
Prohibition and Excise Act.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of five cases.
4. Allegation is of recovery of 80 litres of spirit from
Belwari Brahm Asthan at Mashrakh.
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 even the alleged
recovery is from a place which does not belong to the petitioner and
is accessible to public at large and he came to be implicated at the
instance of the local person. It is further submitted that the police in
mechanical manner implicate the innocent person either at the



instance of the Chawkidar or the local person but then it absolutely does not stand to reason that if the local person was aware of the involvement of the petitioner in the occurrence then why he/she did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution.

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.25,000/- (Rupees Twenty-five Thousand) 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 Mashrakh P.S. Case No. 105 of 2024, 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 more than five cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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