

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27149 of 2024

Arising Out of PS. Case No.-506 Year-2023 Thana- GARKHA District- Saran

Rajesh Kumar Singh Son of Suresh Kumar Singh Resident of Village-
Garkha, P.S.- Garkha, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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 Sections 30(a), 36 and 41 of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that in the impugned order it has been inadvertently recorded that petitioner has antecedent of one case when petitioner admittedly is a person with clean antecedent and the same has also been pleaded at para-3 of the anticipatory bail application. It is next submitted that allegation is of recovery of 873.36 litres of liquor from a pick up van. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and is not the owner of the seized vehicle



and he came to be implicated based on confessional statement of Bittu in police custody, which does not have any evidentiary value, when petitioner admittedly is a person with clean antecedent. It is also submitted that the police in order to save the real culprit got the petitioner implicated through Bittu in his confessional statement.

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 Garkha P.S. Case No.506/2023, 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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