

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29812 of 2024

Arising Out of PS. Case No.-446 Year-2019 Thana- MAHUA District- Vaishali

Chandan Kumar S/O Lal Gir Ray R/O Vill- Mahua Singh Rae, P.S- Mahua,
Distt.- Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-04-2024 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 414 of the I.P.C. and
Sections 30(a), 32(ii), (38(ii), 41(i) of Bihar Prohibition and Excise
Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of recovery of
472.620 litres of liquor from a Maruti van. It is next submitted that
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and is neither the owner nor
the driver of the seized vehicle and he came to be implicated at the
instance of chowkidar with whom he is on an inimical term. It is next
submitted that if the 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 case, 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.5000/- (Rupees 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 Mahua P.S. Case No.446/2019, 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 one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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