

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30256 of 2024

Arising Out of PS. Case No.-401 Year-2023 Thana- PHULWARIYA District- Gopalganj

Ajay Yadav S/o- Late Garju Yadav Vill- Mardwani Ps- Phulwariya Dis-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj

For the Opposite Party/s : Mr. Suresh Prasad Singh

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 Section 30(a) of
Bihar Prohibition and Excise Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of 8 cases and allegation is of recovery
of 108 litres of liquor from a motorcycle. 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 motorcycle and he came to be implicated at
the instance of local person but then the name of the local
person who disclosed the name of the petitioner is not
mentioned in the F.I.R., which casts an aspersion on the case of



the prosecution. It is also submitted that if the local person was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant F.I.R., which also casts an aspersion on the case of the prosecution. It is further submitted that the police in order to save the real culprit falsely implicated the petitioner 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.40,000/- (Rupees forty 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 Phulwariya P.S. Case No.401/2023, 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 more than eight cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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