

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32489 of 2024

Arising Out of PS. Case No.-1362 Year-2023 Thana- KAHALGAON District- Bhagalpur

SINTU KUMAR SON OF AJAY MANDAL RESIDENT OF VILLAGE -
LAKARMARA, GODDA, P.S. - BELBADDA, DISTRICT - GODDA
(JHARKHAND)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-05-2024 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 (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case.

4. Allegation is of recovery of 16 litres of liquor from
the house of Mahendra Harizan.

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 he came to be implicated at the instance of the local person



but then the name of the person, who disclosed the name of the petitioner, is not disclosed in the FIR which casts an aspersion on the case of the prosecution. It is further submitted that if the local person was aware of the involvement of petitioner in the occurrence then why he did not inform the police prior to the institution of the instant FIR which further 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.5,000/- (Rupees 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 Kahalgaon (Sheonarainpur) P.S. Case No. 1362 of 2023, 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 one case in that event the present
anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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