

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30640 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- BARAULI District- Gopalganj

=====

Sunar Ram Son of Late Chaitar Ram Resident of Village- Alampur ,P.S-
Barauli, Dist- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 25-04-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2022.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 79 liters of liquor from bank of river Jokha Ghat.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession and even 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 based on confessional statement of Rajesh Yadav in police custody, which does not have any evidentiary value, it is next submitted that since petitioner is on an inimical term with the *Chowkidar*, as such the *Chowkidar* also subsequently implicated him after the instant FIR was instituted.

5. The learned APP for the State opposes the anticipatory bail application.

6. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, XIII-cum-Special Excise Court No.1, Gopalganj in connection with Barauli P.S. Case No.47 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent 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.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

U		T	
---	--	---	--

