

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35741 of 2024

Arising Out of PS. Case No.-90 Year-2023 Thana- KARPURIGRAM District- Samastipur

Shivchandra Kumar Son Of Dinesh Mahto Village - Vikrampur Bande, Ward
No. 7, Ps- Karpoorigram, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey
For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 26-07-2024 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 (Amendment) Act, 2016.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 53.1 litres of liquor from a hut. It is next submitted that
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and the petitioner does not
reside in the hut from where the liquor is alleged to have been
recovered rather it is an open space and is accessible to alleged
recovery is from a place which is accessible to public at large and as
such it appears that someone inimical to the petitioner planted the
liquor with a view to implicate the petitioner. It is next submitted that



no prudent person would use his premises for committing an occurrence and thus would create evidence against himself and hence would get implicated.

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 Karpoorigram P.S. Case No.90/2023, 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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