

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33804 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- BHAPTIAHI District- Supaul

Ishwar Kumar @ Ishwar Yadav SON OF DUKHAN YADAV Resident of village- Chandpipar, Ward no.-12 ,P.S.-Bhaptiyahi(Bhaptai Sarai), District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 209-05-2024
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 Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and allegation is of recovery of 108 litres of liquor from a sack. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and even alleged sack does not belong to the petitioner and he came to be implicated at the instance of local person but then submits that it absolutely does not stand to reason that if 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 casts an aspersion on the case of 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 Bhaptiyahi P.S. Case No.15/2024, 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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