

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36718 of 2024

Arising Out of PS. Case No.-91 Year-2024 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Gopalganj

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Santu Barnwal, Son of Tuntun Barnwal @ Tuntun Ji Barnwal Resident of
Village- Nerai Bhagwanpur, P.S- Mirganj, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deepankar Raj
For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 221-06-20241. Heard learned counsel for the petitioner and
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 Excise Act.
3. The learned counsel for the petitioner submits
that the petitioner has antecedent of one case and the
allegation is of recovery of 20.520 litres of liquor from a
motorcycle and 8.8 litres of liquor from a gunny bag being
carried by Neeraj Kumar.
4. The learned counsel for the petitioner submits
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 vehicle and he came to be implicated based on confessional statement of Neeraj Kumar in police custody, which does not have any evidentiary value.

5. Learned A.P.P. opposes the 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 ten weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-XIII-cum- Special Excise Court No.1, Gopalganj in connection with Phulwariya P. S. Case No.91 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. 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 more than one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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