

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35221 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- Pahelja P.S. District- Saran

Lal Babu Rai Son of Ram Bachan Rai Resident of Village- Saidpur,
Chakdariya, P.S- Pahleza (Sonepur) Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 16-05-2024 **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 offences punishable under Section 30(a) of the Bihar Excise Act.
- 3.** Learned counsel for the petitioner submits that the petitioner has antecedent of one case and allegation is of recovery of 30 litres of liquor from a place behind the house of the petitioner and 40 litres of liquor from a place behind the house of Dilip Chaudhary.
- 4.** Learned counsel for the petitioner submits that the 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 but then is adjacent to his house and based on suspicion, he came to be implicated by villagers but then the FIR



does not disclose the name of the person who disclosed the name of the petitioner, which casts an aspersion on the case of the prosecution.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court 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 trial court where the case is pending/successor court in connection with Pahleza (Sonepur) P.S. Case No. 12 of 2024 subject to the conditions as 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 antecedents of the petitioner and in the event if it is found that the 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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