

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38627 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- Excise P.S. District- Nalanda

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Annu Kumar S/O Lalit Yadav R/O Village- Kalyanpur, P.S. - Deep Nagar,
District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suraj Kumar, Advocate

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 07-10-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.
2. Perused the report of the learned District &
Sessions Judge, Nalanda at Biharsharif in compliance of the
order dated 21.08.2024.
3. Report is accepted.
4. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a)(c) of the Bihar Prohibition and Excise Act in
connection with Excise P.S. Case No.106 of 2024.
5. The learned counsel for the petitioner submits that
the petitioner has antecedent of four cases and allegation is of
recovery of 120 liters of liquor, but then petitioner is involved as
per the allegation with respect to 55 liters of liquor alleged to
have been recovered from Kalayanpur village.



6. 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 Tuntun in police custody which does not have any evidentiary valude. It is also submitted that once a person is implicated in a case relating to excise, in that event the police starts implicating mechanically either at the instance of the 'Chowkidar', local person, secret information or confessional statement in a mechanical manner without holding proper investigation.

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

8. 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.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-IV-cum-Special Judge, Excise-II, Nalanda at Biharsharif



in connection with Excise P.S. Case No.106 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. 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 four cases, in that event, the present anticipatory bail order shall not be given effect.

10. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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