

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40495 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- Kadirganj P.S. District- Nawada

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TUSI YADAV @ RAKESH YADAV @ RAKESH KUMAR SON OF
SHOBHI YADAV RESIDENT OF VILLAGE - DEVANPURA, P.S. -
NAGAR (O.P. KADIRGANJ), DISTRICT - NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-07-2024 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)(d) of the Bihar
Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case but inadvertently at para 3 of
the anticipatory bail application it has been pleaded that petitioner is
a person with clean antecedent.
4. Allegation is of recovery of 42 litres of liquor from a
canal.
5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and even the alleged
recovery is from a place which does not belong to the petitioner and



is accessible to public at large. It is further submitted that petitioner came to be implicated based on the confessional statement of Bhola Yadav in police custody which does not have any evidentiary value in the eye of law.

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

7. 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.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kadirganj P.S. Case No. 46 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and 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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