

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42075 of 2024

Arising Out of PS. Case No.-441 Year-2023 Thana- PAHARPUR District- East Champaran

Yogendra Sah S/O Late Got Sah R/O Village- Siswa Kanhi tola, P.S.-
Paharpur, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Khushi Awadh

For the Opposite Party/s : Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-07-2024 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) of Bihar Prohibition and Excise (Amendment) Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases and allegation is of recovery of 8 litres of liquor from Bathan of the petitioner. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and bathan is a place outside the house and is accessible to villagers at large. It is further submitted that it appears that someone inimical to the petitioner planted meager amount of liquor in the bathan in order to implicate the petitioner and his family



members. It is next submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that he came to be implicated at the instance of local person but then the name of person who disclosed the name of petitioner is not mentioned in the 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.10,000/- (Rupees ten 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 Paharpur P.S. Case No.441/2023, 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 two cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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