

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43576 of 2024

Arising Out of PS. Case No.-64 Year-2023 Thana- KURTHA District- Jehanabad

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Ajay Kumar Mandal @ Sanjay Kumar @ Sanjay Yadav S/o Late Mahendra
Yadav R/o village- Mubarakpur, P.S.-Banshi, District-arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-07-2024 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 Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 200 litres of liquor from two motorcycles. It is next
submitted that petitioner was not arrested from the spot as such
nothing was recovered from his conscious possession and he
came to be implicated based on the fact that he is owner of one
of the seized motorcycles. It is next submitted that no prudent
person would use his own vehicle for committing an occurrence
and thus would create evidence against himself and hence



would get implicated. It is also submitted that since the brother of the petitioner is on an inimical term with the chowkidar, as such, he also implicated him. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that petitioner came to be implicated based on secret information. It is thus submitted that it absolutely does not stand to reason that on what basis the petitioner has been implicated in the instant case, which further 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.500/- (Rupees five hundred) 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 Kurtha (Manikpur O.P.) P.S. Case No.64/2023, 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 even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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