

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42518 of 2024

Arising Out of PS. Case No.-550 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Sidharth Kumar @ Piyush Huntar @ Piyus Hunter son of Rajendra Choudhary R/o Mohalla Gangjala Veer Kumwar Singh High School Road, Saharsa PS - Saharsa Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-08-2024 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 Sections 30(a) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2022.
3. Learned counsel for the petitioner submits that petitioner has antecedent of four cases.
4. Allegation is of recovery of 544 litres of liquor out of which 45 litres of liquor is alleged to have been recovered from a Baleno car, 90 litres of liquor from a Triber car and 409 litres of liquor from a tractor.
5. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted that once an accused is implicated in a case of liquor, the police in a



mechanical manner start implicating based on confession statement or secret information. It is next submitted that petitioner came to be implicated in the case based on confessional statement of co-accused 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, let 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.20,000/- (Rupees Twenty 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 Saharsa Sadar P.S. Case No. 550 of 2023, 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 four cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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