

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42834 of 2024

Arising Out of PS. Case No.-591 Year-2015 Thana- KOTWALI District- Patna

Sunil Kumar Son Of Biltu Mahto Resident Of Vill- Sirsiya Bazar Ward No.-
07, P.S.- Bela, District- Sitamarhi.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2024 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 290 of the
I.P.C. & Section 47(A) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases and allegation is of
recovery of 58.60 litres of liquor from a shop near station road,
milk market. It is next submitted 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 he came to be implicated
based on the confessional statement of Ranjit Kumar in police
custody which does not have any evidentiary value. It is also
submitted that since the petitioner has antecedent as such the



police in a mechanical manner implicated him.

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.15000/- (Rupees fifteen 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 Kotwali P.S. Case No.591/2015, 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 three cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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