

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48269 of 2024

Arising Out of PS. Case No.-296 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Prabhakar Kumar Singh @ Prabhakar Singh @ Pintu Singh S/o Ashok Kumar
Singh R/o Rajani Dodhi, P.S. - Murliganj, Distt. - Madhepura (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-07-2024 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 the Bihar Prohibition and Excise (Amendment) Act, 2022.
3. Learned counsel for the petitioner submits that petitioner has antecedent of eleven cases.
4. Allegation is of recovery of 11.25 litres of liquor from the room of the petitioner.
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 it is asserted and pleaded that petitioner is not the owner of the house from where the alleged liquor was recovered rather is a tenant. It is further submitted that it appears that the police in order to save the real culprits falsely implicated the petitioner taking advantage of his antecedent based on



the confessional statement of Krishna Kumar Singh 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.55,000/- (Rupees Fifty-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 Saharsa P.S. Case No. 296 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 eleven cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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