

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43921 of 2024

Arising Out of PS. Case No.-365 Year-2024 Thana- AGAMKUAN District- Patna

Bhola Kumar Son of Mahendra Mahto @ Dharmendra Mahto Resident of
Village- Chhoti Pahari, Near Dal Mil, P.S.- Agamkuan, District- Patna
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 211-07-2024
1. Learned counsel for the petitioner submits that inadvertently at paras 4 and 6 of the anticipatory bail application, it has been recorded that 320 litres of liquor was recovered when it is 230 litres.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) and 37 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

4. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

5. Allegation is of recovery of 230 litres of liquor from five jute bags.

6. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he does not have any



concern with the jute bag. It is further submitted that petitioner came to be implicated based on the confessional statement of Rakesh Kumar in police custody which does not have any evidentiary value in the eye of law.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. 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 court below where the case is pending/successor court in connection with Agamkuan P.S. Case No. 365 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. 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 even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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