

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45237 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- MUSAHARI District- Muzaffarpur

Rupesh Kumar S/o Upendra Sahani R/o Village Bari Kothi PS Mushahari,
Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur
For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 211-07-2024
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 (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and allegation is of recovery of 40 litres of liquor from a hut of the petitioner and one Birendra Kumar was arrested. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and it has been specifically pleaded at para-7 that the hut in question does not belong to the petitioner and he came to be implicated based on the confessional statement of Birendra Kumar in police custody, which does not have any evidentiary value. It is also submitted that police investigates mechanically in cases



relating the excise and falsely implicates.

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.5000/- (Rupees five 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 Mushahari P.S. Case No.75/2024, 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 one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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