

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44516 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- THawe District- Gopalganj

Hiran Kumar S/O Gaya Sah Resident of Village- Chittu Tola, P.S.- Thawe,
District- Gopalganj Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmveer Jha, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered in connection with Thawe PS Case No. 51/2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. The learned counsel for the petitioner submits that the petitioner is a person of clean antecedent and allegation is of recovery of 33 litres of liquor from a Gallon allegedly, thrown by Tuntun Kumar and 2.7 litres of liquor from a Gallon, allegedly, thrown by the petitioner. It is next submitted that the petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even alleged recovery is from a place which does not belong to the petitioner and he came to be implicated at the instance of Chowkidar with whom he is on an inimical terms. It is also submitted that if Chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts aspersion on the case



of the prosecution.

4. Learned A.P.P. opposes the bail application.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge-XIII-cum-Spl. Excise Court No.1, Gopalganj in connection with Thawe P. S. Case No. 51/2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

7. It is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

perwez

U		T	
---	--	---	--

