

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44679 of 2024

Arising Out of PS. Case No.-190 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

BIGAN SINGH @ PIYUSH ANAND SON OF GANESH SINGH
VILLAGE- INDRAHIYA, P.S.- SASARAM (MUFFASIL), DISTT.-
ROHTAS AT SASARAM Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Adv

For the Opposite Party/s : Mr.Tapeshwar Sharma, 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 Sasaram (Mufassil) PS Case No. 190/2020 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the allegation is of recovery of 40 litres of liquor from a place near a canal. 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 is accessible to the public at large and he came to be implicated in the instant case based on the confessional statement of an apprehended accused in police custody which does not have any evidenciary value.



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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2-cum-Additional District & Sessions Judge, Rohtas at Sasaram, Nawada in connection with Sasaram (Mufassil) PS Case No. 190/2020, 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 more than two cases, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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