

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49241 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- BARHIYA District- Lakhisarai

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Avinash Kumar @ Sethi @ Avinash Kumar Sethi, Son of Naresh Singh @
Ramnaresh Singh, Resident of Vill- Barahiya Maharani Sthan, P.S.- Barahiya,
District- Lakhisari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Udbhav

For the Opposite Party/s : Mr.Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-07-2024 1. 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 for the offences punishable under

Section 30(a) of the Excise Act.

3. The learned counsel for the petitioner submits

that the petitioner has antecedent of four cases and the

allegation is of recovery of 900 ml of liquor from the

possession of Ayush Kumar.

4. The learned counsel for the petitioner submits

that petitioner was not arrested from the spot, as such,

nothing was recovered from his conscious possession and



even alleged recovery is from Ayush Kumar and not from the petitioner and he came to be implicated based on confessional statement of Ayush Kumar in police custody, which does not have any evidentiary value and petitioner does not have any connection or relation with Ayush Kumar.

5. Learned A.P.P. opposes the anticipatory bail application.

6. 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-IV-cum-Special Court-1 Excise, Lakhisarai in connection with Barahiya P. S. Case No.97 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. 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 four cases, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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