

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47785 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- Babarganj OP District- Bhagalpur

Amit Kumar Sah @ Amit Kumar Sha Son of Late Ashok Sah R/O Vill.-
Tinpulia, P.S.- Bypass, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ritwik Thakur Ms. Vaishnavi Singh
For the Opposite Party/s	:	Mr. Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 22-07-2024
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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 offences punishable under Section 30(a) of the Bihar Excise Act.

3.

Learned counsel for the petitioner submits that the petitioner has antecedent of eleven cases and allegation is of recovery of 3 litres of liquor from the room of the petitioner.

4.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and is not the owner of the house rather is a tenant and since he has been implicated in cases relating to excise as such in the instant case he was also made an accused based on confessional statement of his wife, Ritu Kumari. It



is further submitted that premises is a rented premises as such it appear that the police in order to save the land-lord falsely implicated the petitioner taking advantage of his antecedents.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 55,000/- (Rupees Fifty 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 Babarganj P.S. Case No. 26 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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 the petitioner has antecedent of more than eleven cases, in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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