

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48829 of 2024

Arising Out of PS. Case No.-348 Year-2023 Thana- BACHHWARA District- Begusarai

SONU KUMAR S/o UDAY RAI R/O VILLAGE- RANNI-3, P.S.-
BACHHWARA DISTT. - BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-09-2024 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 the
Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioner submits that by
order dated 19.08.2024, case diary along with the antecedent
report of the petitioner was called for, but the same till date has
not been received.

4. The Court will not wait endlessly for the case diary
and the criminal antecedent of the petitioner and, thus, proceeds
to decide the case on merits based on the allegation as alleged in
the FIR.

5. Learned counsel for the petitioner submits that
petitioner has antecedent of one case.



6. Allegation is for recovery of 69.480 litres of liquor from a place near Ayodhya Toll crossing.

7. 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 the alleged recovery is from a place which does not belong to the petitioner and is accessible to public at large. It is further submitted that petitioner came to be implicated based on the confessional statement of Shiv Shankar Singh and Dilkhush Kumar in police custody which does not have any evidentiary value in the eye of law. It is next submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically either at the instance of the Chawkidar, local people, secret information or confessional statement.

8. Mr. Rabindra Kumar learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner, let 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.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned court below where the case is pending/successor court in connection with Bachhwara P.S. Case No. 348 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and 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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