

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51356 of 2024

Arising Out of PS. Case No.-310 Year-2020 Thana- BAIRIYA District- West Champaran

Chandan Sah Son of Late Lalbabu Sah Gor @ Late Lalbabu Sah R/o- Village-
Baswariya, Pipal Chowk, P.S.- Bettiah, Town, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manaur Alam

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 30-07-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 30(a), 37(c) of the Bihar Prohibition and Excise Act in
connection with Bairiya P.S. Case No.310 of 2020.

3. The learned counsel for the petitioner submits that
inadvertently at para-3 it has been pleaded that petitioner has
antecedent of three cases when petitioner has antecedent of five
cases and allegation is of recovery of 17.28 liters of liquor from
a motorcycle.

It is next submitted that petitioner was not arrested



from the spot as such nothing was recovered from his conscious possession and is not the owner of the seized vehicle and he came to be implicated at the instance of local people, but then the name of the person who disclosed the name of the petitioner is not disclosed in the FIR, which cast an aspersion on the case of the prosecution.

The learned APP for the State opposes the anticipatory bail application.

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.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Bettiah, West Champaran in connection with Bairiya P.S. Case No.310 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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 five cases, in



that event, the present anticipatory bail order shall not be given effect.

The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan
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