

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51945 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- Excise P.S. District- Samastipur

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Pinkesh Yadav Son of Chandrashekhar Yadav Resident of village - Malhipur,
P.S.- Hasanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 01-08-2024 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
Section 30(a) of the Bihar Prohibition and Excise Act in
connection with Excise P.S. Rosera Case No.77 of 2024.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of four cases and allegation is of
recovery of 25.92 liters of liquor from a bush behind the shop of
the petitioner.

4. It is next submitted that 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 public at large and he came to be implicated based on confessional statement of his father in police custody which does not have any evidentiary value. It is also submitted that since petitioner carries antecedent, as such police made his father, confessed his name, when admittedly the liquor was seized from a place which does not belong to the petitioner.

5. The learned APP for the State 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 Special Judge Excise Court, IInd, Samastipur in connection with Excise P.S. Rosera Case No.77 of 2024, subject to the conditions 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 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 order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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