

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58887 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Satyam Kumar @ Satayam Kumar S/o Kanhaiya Singh R/o village- Pahasara,
P.S.-Naokothi (Nowkothi), District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-09-2024 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 61 of Bhartiya Nyaya Sanhita 2023 and under Section
30(a) of the Bihar Prohibition and Excise Act in connection with
Naokothi (Nowkothi) P.S. Case No.110 of 2024.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of eight cases and allegation is of
recovery of 302.91 liters of liquor from a place near hut of Raja
Kumar.

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 Raja in police custody which does not have any evidentiary value. It is also submitted that once an accused is implicated in a case relating to excise, in that event the police starts implicating mechanically and at times to save the real culprits.

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.40,000/- (Rupees Forty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, Begusarai in connection with Naokothi (Nowkothi) P.S. Case No.110 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 one case, 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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