

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55656 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- SONBERSA District- Sitamarhi

Devendra Thakur S/o- Late Surya Deo Thakur Village- Pakariya Ps- Sonbarsa
Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-08-2024 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 414 of the IPC and Section 30A of the Bihar Prohibition and Excise Act in connection with Sonbarsa P.S. Case No.316 of 2023.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of seven case, but then out of seven cases stands acquitted in four cases and presently only three cases are pending against him. It is next submitted the allegation is of recovery of 270 liters of liquor from a car near bank of river Jhim.

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 secret information which is the easiest way to implicate someone. It is also submitted that it appears that the police in order to save the real culprits falsely implicated the petitioner taking advantage of his antecedents.

5. The learned APP 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.35,000/- (Rupees Thirty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.I, Sitamarhi in connection with Sonbarsa P.S. Case No.316 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. At this stage the learned counsel for the petitioner submits that petitioner at the time of surrender will submit the order of acquittal in four cases.



8. However, it is made clear that the learned trial court before accepting the anticipatory bail bonds of the petitioner shall verify about the acquittal order and in the event if, it is found that after acquittal in four cases the petitioner has antecedent of more than three cases as of now, in that event the present anticipatory bail order shall not be given effect.

(Satyavrat Verma, J)

Prakash Narayan

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