

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56812 of 2024

Arising Out of PS. Case No.-567 Year-2024 Thana- Excise P.S. District- Aurangabad

Ranjay Kumar S/o Mahendra Yadav R/o vill - Bara Tand, P.S. - Bankeybazar,
Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-08-2024 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 offences punishable under Sections 30(a), 30(c) and 32(3) of
the Bihar Prohibition and Excise (Amendment) Act, 2018 as well as
Rules 2(e), 3, 5(b) and 18 of the Bihar Mahua Flower Rules, 2006.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. Allegation is of recovery of 15 litres of liquor from
possession of Sunny Kumar and 100 Kg. of mahua flower along with
one litre of liquor from a motorcycle driven by Munna Kumar.

5. 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 Sunny Kumar and Munna Kumar. It is further
submitted that petitioner has no concern or relation with Sunny



Kumar and Munna Kumar but then came to be implicated based on the confessional statement of Sunny Kumar in police custody which does not have any evidentiary value in the eye of law, when petitioner admittedly is a person with clean antecedent.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. 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.500/- (Rupees Five Hundred) 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 G.R. No. 1047 of 2024 arising out of Excise P.S. Case No. 567 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. 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 even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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