

Arising Out of PS. Case No.-157 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

Petitioner/s

Versus

## The State Of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr. Naresh Prasad  
For the Opposite Party/s : Ms. Shaheen Begum

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 Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases and allegation is of recovery of 95 liters of spirit from three gallons kept behind the house of the petitioner.

4. 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 a place which does not belong to the petitioner and is accessible to public at large and he came to be implicated based on the confessional statement of Poonam Devi in police custody which does not have any evidentiary value. It is also submitted that Poonam is wife of the petitioner and she was



apprehended based on suspicion as the spirit was recovered from a place adjacent to his house.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Baikunthur P.S. Case No. 157 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear 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 two cases in that event, the present anticipatory bail order shall not be given effect to.

**(Satyavrat Verma, J)**

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