

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58724 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- Chhaudahi District- Begusarai

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Anil Yadav @ Anil Kumar Son of Late Baso Yadav @ Late Basudev Yadav
Resident of Village - Patahi, P.S. - Chhaudahi (Chhourahi), District -
Begusarai

... .. Petitioner/s

Versus

1. 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. Satyendra Narayan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 19-08-2024 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), 32(ii)(iii), 36 and
41(i)(ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases.
4. Allegation is of recovery of 4359.600 litres of liquor
from a truck.
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 is not the owner or
driver of the truck and came to be implicated based on the
confessional statement of Himanshu Kumar in police custody which
does not have any evidentiary value in the eye of law. It is further



submitted that once a person is implicated in a case relating to excise the police start implicating mechanically.

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.15,000/- (Rupees Fifteen Thousand) 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 Chhaudahi (Chhourahi) P.S. Case No. 84 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 more than three cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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