

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60348 of 2024

Arising Out of PS. Case No.-248 Year-2024 Thana- BAIRIYA District- West Champaran

1. Abhishek Kumar @ Bulet Singh @ Bulet S/o- Anil singh Village- Laukariya Ps-Bairiya District- West Champaran
2. Raja Singh @ Raja Kumar S/o- Vipin Singh @ Bipin Kumar Village- Laukariya Ps-Bairiya District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no.2, namely, Raja Singh @ Raja Kumar, who was arrested during the pendency of the anticipatory bail application.
3. Permission is accorded.
4. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 274, 275, 3(5) BNS and Sections 30(a), 41(1) of Bihar Prohibition and Excise Act.



5. Learned counsel for the petitioner submits that petitioner has antecedent of one case and allegation is of recovery of 441.435 litres of liquor from three different vehicles. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and is not the owner of any of the seized vehicles and he came to be implicated based on confessional statement of Rupesh in police custody, which does not have any evidentiary value. It is also submitted that police in majority of the cases implicates either at the instance of chowkidar, local person, secret information or confessional statement without holding proper investigation in a mechanical manner and at times to save the real culprit.

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, 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 bond of Rs.5000/- (Rupees five 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 Bairiya P.S. Case No.248/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bond of the petitioner shall verify the criminal antecedents 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 to.

(Satyavrat Verma, J)

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