

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62653 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- SIRDALA District- Nawada

Sunil Prasad @ Sunil Yadav, S/O Prayag Yadav Resident Of Village-
Baseriya, P.S- Sirdalla, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2024 1. Heard learned counsel for the petitioner and
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 30(a)(c) and 41 of the Excise Act.

3. The learned counsel for the petitioner submits
that the petitioner has antecedent of one case and the
allegation is of recovery of 50 litres of liquor along with
2800 litres of fermented jawa mahua from a forest area.

4. The 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 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 confessional statement of Sakaldev Singh in police custody, which does not have any evidentiary value and he came to be implicated at the instance of Chaukidar with whom he is on an inimical term.

5. Learned A.P.P. 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. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-1, Nawada in connection with Sirdalla P. S. Case No.166 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that 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 one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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