

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61365 of 2024

Arising Out of PS. Case No.-725 Year-2024 Thana- Excise P.S. District- Aurangabad

Ajay Singh @ Ajay Kumar Singh S/O Late Dudheshwar Singh R/O Village-
Timal Bigaha, Jamhore P.S- Jamhore, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-08-2024 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(3), 41(1) and 41(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.
4. Allegation is of recovery of 76.500 litres of liquor from the house of Bigan Rajwara.
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 a place which does not belong to the petitioner. It is further submitted that petitioner came to be implicated based on the confessional statement of co-accused Akhilesh Rajbanshi in police custody which does not have any evidentiary value in the eye of law.



It is next submitted that petitioner has no concern or relation with Bigah Rajwara.

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 Excise P.S. Case No. 725 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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