

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63379 of 2024

Arising Out of PS. Case No.-359 Year-2024 Thana- BIKRAMGANJ District- Rohtas

Upendra Sah @ Upendra Kumar S/O Khaderan Sah Resident of village
-Yadav Mahalla ,P.S- Bikramganj ,District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Kant

For the Opposite Party/s : Ms.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-09-2024 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) 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 2.19 litres
of liquor from the possession of Subodh Kumar.

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 not from the possession of this petitioner and he came to be implicated based on confessional statement of Subodh Kumar in police custody, which does not have any evidentiary value.

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 Judge, Excise Court No.1, Rohtas at Sasaram in connection with Bikramganj P. S. Case No.359 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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