

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64015 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Sri Bhagwan Yadav Son of Late Nagina Yadav R/O-Village Daleya, P.S.
-Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-09-2024 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.
3. Learned counsel for the petitioner submits that petitioner has antecedent of five cases.
4. Allegation is of recovery of 67.425 litres of liquor from a sack from possession of six accused persons out of which two managed to flee, 45 litres of liquor from a motorcycle and 6.3 litres of liquor from possession of Lalan Kumar Singh.
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 of the seized motorcycle and recovery was also made from the named accused persons and petitioner came to be implicated based on the



confessional statement of apprehended accused in police custody which does not have any evidentiary value in the eye of law.

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.25,000/- (Rupees Twenty-five 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 Kuchaikote P.S. Case No. 131 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 five cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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