

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66439 of 2024

Arising Out of PS. Case No.-38 Year-2022 Thana- BAISI District- Purnia

Tabarak Alam @ Tabarak Hussain S/o- Tafejul Haque @ Tafajjul Haque
village- Dangraha Ps- Bayasi Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State, Mr. Chandra Bhushan Prasad.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 272, 273 and Section 30(a) of the Bihar Prohibition
and Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and allegation is of
recovery of 11.55 liters of liquor from a motorcycle.

4. It is next submitted that the petitioner was not
arrested from the spot and as such nothing was recovered from
his conscious possession. It is further submitted the petitioner is
not the owner of the seized motorcycle and he came to be
implicated based on confessional statement of Akash, who is in



police custody which does not have any evidentiary value.

5. The learned APP for the State 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 Court of Exclusive Special Judge Excise, Court No. 1, Purnea in connection with Bayasi P.S. Case No. 38 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. The application stands allowed.



Sudhanshu/-

(Satyavrat Verma, J.)

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