

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67491 of 2024**

Arising Out of PS. Case No.-117 Year-2018 Thana- MOHAMMADPUR District- Gopalganj

Anil Kumar Jha S/o Harischandra Jha R/O Village- Mehat (Mehath) PS -  
Jhanjharpur Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Mishra, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      18-12-2024                      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), 38 and  
41 of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that  
petitioner has antecedent of seven cases.

4. Allegation is of recovery of 218.55 litres of liquor  
from an Indigo car.

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 vehicle. It is further submitted that petitioner came to be  
implicated based on the confessional statement of Manohar Kumar  
in police custody which does not have any evidentiary value in the



eye of law. It is next submitted that since petitioner has antecedent as such the police got him implicated through Manohar Kumar.

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.35,000/- (Rupees Thirty-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 Mohammadpur P.S. Case No. 117 of 2018, 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 seven cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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