

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70339 of 2024

Arising Out of PS. Case No.-47 Year-2019 Thana- SATHI District- West Champaran

Samant Kumar Pandey @ Bhaiya Jee @ Samant Kumar @ Saamant Kumar
S/O Mukti Sharan Pandey R/O Village- Baithaniya, P.S- Majhualiya, Distt.-
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 2 27-09-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act in
connection with Sathi P.S. Case No.47 of 2019.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and allegation is of
recovery of 1.26 liters of liquor from Prem Prakash Gupta.
4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious



possession and even alleged recovery is from Prem Prakash with whom he has no concern and he came to be implicated based on confessional statement of Prem Prakash 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. 5000 /- (Rupees five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-IIInd, Bettiah, West Champaran in connection with Sathi P.S. Case No.47 of 2019, 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.

(Satyavrat Verma, J)

Prakash Narayan

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