

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70430 of 2024**

Arising Out of PS. Case No.-108 Year-2024 Thana- Excise P.S. District- Samastipur

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Gaurav Kumar @ Gaurav Kumar Sah S/O Late Mushuharau Sah resident of  
village- patla, Ward no.-13, P.S- Chaurahi, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sarvottam Kumar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

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**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 Excise Rosra P.S. Case No.108 of 2024.

3. The learned counsel for the petitioner submits that  
the petitioner has antecedent of one case and allegation is of  
recovery of 12.75 liters of liquor from an auto.

4. It is next submitted that petitioner was not arrested  
from the spot as such nothing was recovered from his conscious  
possession and is not owner of the alleged seized auto and he  
came to be implicated based on confessional statement of  
Rakesh 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 Excise Court No.II, Samastipur in connection with Rosra P.S. Case No.108 of 2024, 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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