

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69588 of 2024

Arising Out of PS. Case No.-308 Year-2024 Thana- BAKHARI District- Begusarai

Amresh Kumar Swarnkar S/o Ram Briksh Swarnkar @ Ram Brikshasah R/o
Village- Salauna, Ward No 06, PS- Bakhari, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sudha

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2024 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
Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 5 litres of liquor from a bush at two different places.
It is next submitted that petitioner was not arrested from the spot
as such nothing was recovered from his conscious possession
and he came to be implicated based on the fact that he is owner
of the seized motorcycle. It is next submitted that no prudent
person would use his own vehicle for committing an occurrence
and thus would create evidence against himself and hence



would get implicated and he came to be implicated at the instance of chowkidar. It is also submitted that police in majority of the cases implicates either at the instance of chowkidar, local person, secret information or confessional statement without holding proper investigation in a mechanical manner.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees five hundred) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bakhari P.S. Case No.308/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of even one case, in that



event, the present anticipatory bail order shall not be given
effect to.

(Satyavrat Verma, J)

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