

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71207 of 2024**

Arising Out of PS. Case No.-443 Year-2021 Thana- BUDDHACOLONY District- Patna

Shiv Yadav @ Shiv Mukh @ Shiv Kumar S/O Vakil Rai Resident of Mohalla-  
Bhupatipur, P.S.- Ram Krishna Nagar, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prakash Ranjan Sinha, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

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

- 2      01-10-2024                      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), 32(i)(ii) and 37(a)  
of the Bihar Prohibition and Excise Act, 2018.
3. Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent.
4. Allegation is of recovery of 100 ml. of liquor along  
with some empty bottles from Flat No. 106 S.D. Apartment,  
Nageshwar Colony of the Land Acquisition Officer, Rajesh Prasad  
Gupta.
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 even the alleged  
recovery is from a place which does not belong to the petitioner and  
he came to be implicated based on the confessional statement of



Abhishek Kumar in police custody which does not have any evidentiary value in the eye of law.

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.500/- (Rupees Five Hundred) 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 Special (Excise) Case No. 7890 of 2021 arising out of Budha Colony P.S. Case No. 443 of 2021, 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 even one case in that event the present anticipatory bail order shall not be given effect to.

**(Satyavrat Verma, J)**

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