

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70336 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- GOPALPUR District- Gopalganj

Sarawan Sah @ Shrawan Sah Son of Godhan Sah Resident of Village-
Ratanpura, P.S.- Gopalpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate

For the Opposite Party/s : Mr. Madan Kumar, 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 Gopalpur P.S. Case No.155 of 2024.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and allegation is of
recovery of 35 liters of liquor from a bag allegedly thrown by
the petitioner and 09 liters of liquor from a motorcycle.

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 the owner of the seized vehicle and he came to be implicated at the instance of local villager, but then name of the villager who disclosed the name of the petitioner is not disclosed in the FIR, which cast an aspersion in the case of the prosecution, when it is not the case of the prosecution that petitioner came to be implicated based on secret informantion.

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 Additional District and Sessions Judge,IVth-cum-Exclusive Special Judge Excise No.II, Gopalganj in connection with Gopalpur P.S. Case No.155 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

U		T	
---	--	---	--

