

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72752 of 2024

Arising Out of PS. Case No.-855 Year-2024 Thana- Excise P.S. District- Aurangabad

Mukesh Kumar Shaundik @ Babu Son of Saryu Prasad Shaundik Resident of
Village- Sahpur, P.S.- Aurangabad Town, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-10-2024 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(3), 41(1) and
41(2) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of ten cases.

4. Allegation is of recovery of 400 ml. of liquor from
possession of Pintu Ram.

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 alleged recovery is
from Pintu Ram with whom petitioner has no concern. It is further
submitted that petitioner came to be implicated based on the
confessional statement of Pintu Ram in police custody which does
not have any evidentiary value in the eye of law. It is next submitted



that once an accused is implicated in a case relating to excise the police start implicating mechanically.

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.50,000/- (Rupees Fifty Thousand) 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 Aurangabad Excise P.S. Case No. 855 of 2024, 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 more than ten cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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