

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15874 of 2025

Arising Out of PS. Case No.-429 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

Sri Bhagwan Rai @ Bhagwan Ray @ Bhagwan Kumar Yadav Son of Bhulan Ray @ Bhulan Rai Resident of Village - Pakaha, P.S.- Baikunthpur, District-Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-04-2025 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 the Bihar Prohibition and Excise (Amendment) Act, 2022.

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

4. Allegation is of recovery of 240 litres of liquor from a sugarcane field.

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 is accessible to public at large and he came to be implicated



based on secret information which is the easiest way to implicate someone. It is further submitted that since petitioner carried antecedent of six cases, hence, the police implicated him in the instant case without holding a proper investigation of the case.

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 provisional anticipatory bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty 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 Baikunthpur P.S. Case No. 429 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than six cases in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner has



antecedent of only six cases in that event the provisional
anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Kundan/-

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

