

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88254 of 2024

Arising Out of PS. Case No.-406 Year-2024 Thana- BAHERA District- Darbhanga

1. Amlesh Singh @ Amlesh Kumar Singh @ Amlsh Singh S/o Shobha Kant Singh @ Sobha Kant Singh R/o - Sajjanpura, P.S - Bahera, District - Darbhanga, Bihar
2. Akshay Singh @ Akshay Kumar Singh S/o Amlesh Singh @ Amlesh Kumar Singh @ Amlsh Singh R/o - Sajjanpura, P.S - Bahera, District - Darbhanga, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 08-01-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their 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 petitioners submits that petitioners are persons with clean antecedent.
4. Allegation is of recovery of 80.88 litres of liquor from the straw house behind the house of Ajay Singh.
5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and straw house is a



place outside the house. It is further submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that straw house is a place accessible to the villagers and it appears that someone taking advantage of the situation concealed the liquor in the straw house. It is also submitted at the cost of repetition that petitioners are persons with clean antecedent and they came to be implicated based on the confessional statement of Ajay Singh who is son of petitioner no. 1 and brother of petitioner no. 2. It is further submitted that confessional statement in police custody 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 petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their 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) each 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 Bahera P.S. Case



No. 406 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 petitioners, shall verify the criminal
antecedent of the petitioners and if it is found that petitioners
have 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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