

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46541 of 2022

Arising Out of PS. Case No.-197 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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RAKESH KUMAR Son of Uday Mahto R/o Village - Hathisar, P.S. -
Purnahiya, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yash Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

The anticipatory bail application does not disclose the criminal antecedent of the petitioner and learned counsel for the petitioner submits that he has stated at paragraph '2' that there is no case against the petitioner under the Excise Act, however, he was previously implicated in some cases on account of pending land dispute by his kin and the allegation is of recovery of 528.48 liters of liquor from a truck and 1290.96 liters of liquor from a Bolero pick-up.



Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that he came to be implicated as he is owner of the Bolero pick-up, it is further submitted that petitioner was completely unaware that the driver of Bolero pick-up would misuse the vehicle for such illegal purpose as no prudent man would use his own vehicle for committing an illegality and thus create evidence against himself.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Excise Case No. 197 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

In the event, the learned trial Court shall also verify



about the antecedents of the petitioner before accepting his bail bond, in the event, if it is found that there is any case against the petitioner relating to the Excise Act then the bail bond shall not be accepted as it has been submitted by the learned counsel for the petitioner that there is no case under the Excise Act against the petitioner, however, apart from Excise Act if there are any antecedents of the petitioner the same will not come in the way in accepting the bail bonds of the petitioner.

(Satyavrat Verma, J)

GauravSinha/-

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