

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55087 of 2022

Arising Out of PS. Case No.-120 Year-2022 Thana- AMBA District- Aurangabad

Rahul Kumar, Son Of Krishna Bihari Upadhyay Resident Of Mohalla-
Krishna Nagar, P.S- Hatiya, Dist- Ranchi, Jharkhand

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section
30(a), 37 of the Excise Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of recovery of 2.250 litres of liquor from a Datson Car.

The learned counsel for the petitioner submits that the
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is next submitted
that the petitioner came to be implicated as he is owner of the
alleged vehicle. It is next submitted that petitioner was
completely unaware that the driver of the vehicle would misuses



the vehicle for such illegal purpose as no prudent man would indulge in any illegal activity using his vehicle and thus, creating evidence himself.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

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 from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Amba P. S. Case No.120 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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