

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57721 of 2022

Arising Out of PS. Case No.-167 Year-2022 Thana- BHAGWANPUR District- Vaishali

AMARJEET KUMAR @ GOLU SON OF UMA RAI R/O VILLAGE-
SHYAMPUR, P.S.- BHAGWANPUR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Bhagwanpur P.S. Case no. 167 of 2022 instituted for the offence under Sections 272 and 273 of the IPC and Section 30(a) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 197.64 litres of IMFL from the motorcycle of the petitioner bearing registration no. BR-31AR8624 and one person was arrested on spot.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Petitioner has no concern with the alleged recovery. Because of his ownership, he



has been implicated in the present case. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Petitioner is directed to deposit Rs. 5,000/- (Rs. Five thousand) in the concerned DLSA.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Bhagwanpur P.S. Case no. 167 of 2022, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by



the learned court below on showing receipt of deposit of Rs.
5,000/- (Five thousand only) by the petitioner in the account of
concerned DLSA.

(Sunil Kumar Panwar, J)

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