

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67624 of 2022

Arising Out of PS. Case No.-414 Year-2022 Thana- BYPASS District- Patna

Mantu Kumar @ Ashwani Kumar, Son Of Shyam Sundar Prasad R/O Vill.-
Kath Ka Pul, P.S.- Mehandiganj, Distt.- Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections
30(a), 36 of the Excise Act, 2018.

The learned counsel for the petitioner submits that the
petitioner has antecedent of two cases and the allegation is of
recovery of 768.96 litres of liquor from a truck.

The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is next submitted
that petitioner came to be implicated based on confessional
statement of Akhilesh Kumar Rai and also because he is owner
of the seized truck. The learned counsel submits that no prudent



man would use his own vehicle for committing an occurrence and thus, create evidence against himself. It is next submitted that petitioner was completely unaware that Akhilesh Kumar Rai would misuse the vehicle in the manner as alleged. It is also submitted that petitioner had purchased the said truck for the purpose of business and no prudent businessman would indulge in committing a crime and thus, bring distribute to its own business.

Learned A.P.P. opposes the 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bypass P. S. Case No.414 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent



of the petitioner and in the event, if it is found that petitioner has more than two antecedents, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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