

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67663 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Sikandar Choudhary @ Sikandra Chaudhary, Son Of Late Sukh Lal Chaudhary R/O Village - Purnahi, Ward No.- 7, P.S.- Warisnagar, Dist.- Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Manoj Kumar

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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 Section 30(a) of the Excise Act, 2018.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 05 litres of liquor from a hut situated in front of a water tank.

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 he came to be implicated based on confessional statement of Ganesh Das in police custody which does not have any evidentiary value. It



is further submitted that petitioner is not the owner of the alleged hut and in a mechanical manner, he came to be implicated.

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. 5,000/- (Rupees Five 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 Excise P. S. Case No.116 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 antecedent of even one case, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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