

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67974 of 2022

Arising Out of PS. Case No.-7 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

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Dhirendra Kumar @ Dhirendra Yadav, S/O Chhavinath Yadav R/O Village-
Murli(Murliganj), P.S.- Kishanpur, Distt- Supaul.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

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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.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 180 litres of liquor from a Scorpio vehicle.

The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be implicated because he is owner of the alleged vehicle. It is also submitted that even Pintu Kumar in his confessional statement disclosed that petitioner is the owner of the alleged vehicle. The



learned counsel submits that petitioner was completely unaware that Pintu Kumar would misuse his vehicle in the manner as alleged. It is next submitted that no prudent man would use his own vehicle for committing an offence and thus, create evidence against himself.

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 Special Case No.370 of 2019 arising out of Sadar Circle Excise Case No.07 of 2019, 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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