

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70649 of 2022

Arising Out of PS. Case No.-214 Year-2022 Thana- KURSAILA District- Katihar

1. KUNDAN KUMAR Son of Sunil Singh R/O- Devipur, P.S.- Kursela, Distt.- Katihar
2. Jitendra Kumar Sah Son of Uday Sah R/O- Maliniyan, P.S.- Kursela, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioners submits that petitioners have antecedent of one case and allegation is of recovery of 89.625 liters of liquor from an Auto.

Learned counsel for the petitioners submits that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession, it is next submitted that they came to be implicated based on confessional statement of Kishan Sah in police custody which does not have any evidentiary value. It is also submitted that petitioners are neither the owner nor



the driver of the alleged vehicle.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kursela P.S. Case No. 214 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned Trial Court before accepting the bail bonds shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of more than one case then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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