

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69797 of 2022

Arising Out of PS. Case No.-82 Year-2017 Thana- VAISHALI District- Vaishali

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NIRAJ KUMAR @ RAMAN KUMAR S/o Raghupati Singh R/v- Kanti
Kunj, Gardhi Nagar, Khabra, P.S.- Sadar Muzaffarpur, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-12-2022 Learned counsel for the petitioner seeks permission to

make rectification in paragraph '1' and prayer portion of the

anticipatory bail application.

Permission is accorded.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in a case registered

for the offences punishable under Sections 30(a), 32(2) and 41(1)

of the Bihar Excise Act.

Learned counsel for the petitioner submits that

petitioner is a person with clean antecedent and allegation is of

recovery of 2835.76 litres liquor from a container, further one

Bolero and a motorcycle were also seized.

Learned counsel for the petitioner submits that

petitioner was not apprehended from the spot as such nothing was



recovered from his conscious possession and he came to be implicated based on the confessional statement of Md. Haqmuddin in police custody which does not have any evidentiary value, it is further submitted that petitioner is neither the owner nor the driver of the alleged seized vehicles.

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

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 from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Vaishali P.S. Case No. 82 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned trial court before accepting the bail bonds of the petitioner shall verify his criminal antecedent and if it is found that the petitioner has antecedent even of a single case, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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