

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71986 of 2022

Arising Out of PS. Case No.-668 Year-2019 Thana- KUDHNI District- Muzaffarpur

ROHIT KUMAR Son of Bansh Lal Ray @ Harinandan Ray Resident of
village - Dubiyahi, P.S.- Kudhani (Turki O.P.), District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 414, 467, 468, 471 and 34 of the Indian Penal Code read with Sections 30(a), 38(1) 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 2538 litres liquor from a truck, further 1314 litres liquor from a Bolero pickup vehicle and 1278 litres liquor from another Bolero pickup vehicle.

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 Chandan and Ashok 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 vehicle.

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 Kudhani P.S. Case No. 668 of 2019 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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