

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15644 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- MUSRIGHRARI District- Samastipur

VIVEK KUMAR Late Devendra Sah Resident Village- Mande, Ps-
Samastipur (Muffasil) Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Rita Verma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-05-2023 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 467, 468, 471, 420 and 34 of Indian Penal Code and Sections 30(a), 32, 36 and 41 of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and allegation is of recovery of 874.44 liters of liquor from a vehicle as detailed in the FIR.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that petitioner is neither the driver nor the owner of



the alleged vehicle and he came to be implicated based on the confessional statement of co-accused Umesh Sah which has no evidentiary value.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five 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 Musarigharari P.S. Case No. 157 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

At this stage, the learned counsel for the petitioner submits that, inadvertently, at Para 4, it has been recorded that 574.44 liters of liquor was recovered.

(Satyavrat Verma, J)

HarshPandey/-

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