

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17934 of 2023

Arising Out of PS. Case No.-365 Year-2022 Thana- SARAI RANJAN District- Samastipur

Kundan Kumar, Son Of Late Shyam Kumar Ram R/O Village And Post -
Paroria, P.S.- Ujiarpur, Samastipur - 848114, Bihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey
For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 332, 307, 353, 504, 420, 467, 468, 471 of the I.P.C., Sections 25(1-B)a, 26, 27 and 35 of the Arms Act and Sections 30(a), 32(1), 32(2), 36, 41(1), 45 and 62 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 8.640 litres of liquor from a bike.

The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is next submitted that he came to be implicated based on the fact that the alleged



motorcycle belongs to him. It is further submitted that no prudent man would use his own vehicle for committing a crime and thus, would create evidence against himself. It is next submitted that petitioner had lent his bike to his friend and thus, was not aware that the vehicle would be misused in the manner as alleged.

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. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge-2, Samastipur in connection with Saairanjan P. S. Case No.365 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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