

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21109 of 2023

Arising Out of PS. Case No.-540 Year-2020 Thana- RAJAOLI District- Nawada

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Ankit Kumar, S/O Sibua Sao @ Shivnandan Saw Resident Of Village-
Bahadurpur, P.S.- Akbarpur, District- Nawada

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Opposite Party/s : Mr. Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-05-2023 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 Section 414 of the I.P.C. and Section 30(a) of the Excise Act, 2016.

The learned counsel for the petitioner submits that the petitioner has antecedent of one case and the allegation is of recovery of 63 litre of liquor from a car and Md. Irfan and Pintu Kumar were arrested.

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 confessional statement of apprehended co-accused and is neither the owner, nor the driver of the vehicle.



Learned A.P.P. opposes the bail application and submits that though it has been submitted that petitioner is not the owner of the vehicle, but the same has not been pleaded in the anticipatory 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. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-2, Nawada in connection with Rajauli P. S. Case No.540 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court before accepting the bail bonds of the petitioner shall verify whether the petitioner is the owner of the vehicle in question or not and even if it is found that the car belongs to the petitioner, then the present anticipatory bail order shall not be given effect.

(Satyavrat Verma, J)

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