

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26879 of 2023**

Arising Out of PS. Case No.-127 Year-2017 Thana- BIKRAM District- Patna

SURAJ KUMAR SON OF ANANDI MAHTO @ ANANDI PRASAD  
VERMA R/O VILLAGE- RAGHOPUR BIHTA, P.S.- BIHTA, DISTRICT-  
PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      16-05-2023                      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 Section 30(A)  
of the Bihar Excise Act.

Learned counsel for the petitioner submits that the  
petitioner is a person with clean antecedent and allegation is  
of recovery of 117 liters of liquor from a Scorpio vehicle  
and one motorcycle was also seized.

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 came to be implicated based on confessional statement of Abhinash in police custody which does not have any evidentiary value, it is further submitted that petitioner is neither the owner of the Scorpio nor of the motorcycle.

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. 1,000/- (Rupees One Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bikram P.S. Case No. 127 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, the learned Trial Court before accepting the bail bonds of the petitioner shall verify whether the Scorpio or the motorcycle is registered in the name of the petitioner or not and in the event, if it is found that any of



the vehicles is registered in the name of the petitioner then  
the present anticipatory bail order shall not be given effect  
to.

(Satyavrat Verma, J)

GauravSinha/-

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