

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27719 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- MAHESI District- East Champaran

SHASHANT KUMAR S/o- LAXMAN PRASAD KUSHWAHA Village-
Senduari Ganj Singh Ps- Motipur Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 17-05-2023 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 30(a), 32(ii)(iii), 41(i)(ii) 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 172.8 liters of liquor from a car and 915.84 liters of liquor from a Mango Orchard and one Mukesh was arrested.

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 he came to be implicated based on the confessional statement of Mukesh in police custody which does not have any evidentiary value when admittedly petitioner is a person with clean antecedent, it is next submitted petitioner, being owner of the car, came to be



implicated. It is next submitted that no prudent person would use his own vehicle for committing a crime and thus would create an evidence against himself and hence would get implicated easily, it is next submitted that the petitioner was known to Mukesh and, as such, he had given his car to Mukesh and thus was not aware that Mukesh would misuse the vehicle in the manner as alleged and petitioner is not the owner of the orchard.

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 each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mehshi P.S. Case No. 39 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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