

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31399 of 2023

Arising Out of PS. Case No.-98 Year-2021 Thana- BANGARA District- Samastipur

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ADITYA ABHINAV @ ADITYA KUMAR @ ABHINAV @ AKHILESH
KUMAR @ FULTI S/O LATE RAM KISHUN RAY R/O Village- Bardiha,
P.S- Patepur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand

For the Opposite Party/s : Mr. Shaheen Begum

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2023 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 272
and 273 of the Indian Penal Code and Section 30(a) of the
Bihar Excise Act.

Learned counsel for the petitioner submits that the
petitioner is a person with one antecedent and allegation is
of recovery of 3526.920 liters of liquor recovered from a
truck and from a Bolero and 4 accused persons were
arrested namely Anil, Saroj, Sipin and Gyaneshwar.

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 petitioner being the owner of the Bolero came to be implicated in the case. The learned counsel submits that no prudent person would use his own vehicle for committing a crime and thus would create evidence against himself and hence would get implicated, it is next submitted that his name also transpired in the confessional statement of co-accused Anil in police custody which does not have any evidentiary value. It is next submitted that Anil is the driver and the petitioner was completely unaware that the driver would misuse the vehicle in the manner as alleged.

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) 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 N.H.
Bangra P.S. Case No. 98 of 2021 subject to the conditions
as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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