

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31427 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- GOH District- Aurangabad

MANJHIL KUMAR @ RAJNIKANT KUMAR Son of Veerendra Yadav
Resident of village - Neyamatpur, P.S. - Goh, Distt. - Aurangabad (Bihar)
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

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 offence 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 total recovery of 2569 liters of liquor from a Bolero, Sumo and a cow shed along with Prem Kumar 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 confessional statement of Prem in police custody which does not have any evidentiary value, it is further submitted that petitioner is not the owner of any of the seized vehicles. The learned counsel at the



cost of repetition submits that petitioner is a person with clean antecedent, it is further submitted that no prudent person would use his own land for committing a crime and thus would create evidence against himself and hence would get implicated easily, it is next submitted that even the alleged recovery which is shown form the orchid was made from the vehicle which was seized.

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 Goh P.S. Case No. 70 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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