

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31684 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- BAIRIYA District- West Champaran

ABHIMANYU KUMAR @ ABHIMANYU KUSHWAHA s/o of Parmanand Prasad @ Pramanand Prasad @ Parmanand Kushwaha Resident of Village- Pakhvaha, Dumariya, P.S.- Bairiya, District- West Champaran

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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 Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case but, inadvertently, at Para 3, it has been recorded that the petitioner is a person with clean antecedent, it is also submitted that event the impugned order records that the petitioner has antecedent of one case. It is next submitted that the allegation is of total recovery of 80.820 liters of liquor from two motorcycles.

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 the petitioner is not the owner of any of the seized vehicles and he came



to be implicated at the instance of Chowkidar with whom, he is on an inimical term because of his antecedent.

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 each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bairiya P.S. Case No. 60 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

At this stage, learned counsel for the petitioner seeks permission to make rectification in Para 3 of the anticipatory bail application.

Permission is accorded.

(Satyavrat Verma, J)

HarshPandey/-

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