

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32384 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- DHOLBAJJA District- Bhagalpur

RAKESH KUMAR S/o- SAHDEV THAKUR Village- Ghoshay Po-
Bhawanipur Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ravindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-05-2023 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 20 liters of liquor from a motorcycle and one Sajan Kumar was arrested.

Learned counsel for the petitioner submits that the petitioner was not arrested 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 co-accused in police custody which does not have any evidentiary value. It is also submitted that petitioner is not



the owner 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 each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dholbajja P.S. Case No. 12 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, the learned Trial Court before accepting bail bonds of the petitioner shall verify whether the motorcycle belongs to the petitioner or not and in the event, if it is found that petitioner is the owner of the motorcycle then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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