

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41730 of 2023

Arising Out of PS. Case No.-54 Year-2022 Thana- KOPA District- Saran

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DHANRAJ NUT son of Late Jainath Nut Village- Ghoghwalia Ps- Kopa Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2023 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 and 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 40 liters of liquor from a gallon found near the house of Panda Nut and 5 liters of liquor from a Pulsar motorcycle.

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 confessional statement of Ajit Singh in police custody which does not have any evidentiary value. It is also submitted that petitioner is not the owner of the seized motorcycle.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that it has not been pleaded in the anticipatory bail application that the petitioner is not the owner of the seized motorcycle.

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 Kopa P.S. Case No. 54 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that the learned Trial Court before accepting the bail bonds of the petitioner shall



verify about the ownership of the seized vehicle and in the event if it is found that the same belongs to the petitioner, then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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