

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42503 of 2023**

Arising Out of PS. Case No.-75 Year-2023 Thana- THARTHARI District- Nalanda

Mangal Kumar, Son Of Vinay Kevat Resident Of Village - Tharthari Bazar,  
P.S.- Tharthari, District - Nalanda

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rana Baljit Singh

For the Opposite Party/s : Ms.Sharda Kumari

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      11-07-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in anticipation of his arrest in  
a case registered for the offences punishable under Section 30(a)  
of the Excise Act, 2018.

The learned counsel for the petitioner submits that the  
petitioner is a person with clean antecedent and the allegation is  
of recovery of 60 litres of liquor from a Glamour motorcycle.

The learned counsel for the petitioner submits that  
petitioner was not arrested from the spot, as such, nothing was  
recovered from his conscious possession and he came to be  
implicated based on confessional statement of Vishal Kumar in  
police custody, which does not have any evidentiary value.

Learned A.P.P. opposes the bail application and



submits that there is no pleading to the effect as to whether the seized motorcycle belongs to the petitioner or not.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-IV-cum-Special Judge Excise Court-II, Nalanda at Bhiarsharif in connection with Tharthari P. S. Case No.75 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court before accepting the 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 the motorcycle belongs to the petitioner, then the present anticipatory bail order shall not be given effect to.

**(Satyavrat Verma, J)**

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