

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44438 of 2023

Arising Out of PS. Case No.-292 Year-2022 Thana- DIDARGANJ District- Patna

Shiv Kumar, Son Of Sri Sakaldev Singh R/O Village - Kachi Dargah, Jethuli,
P.S. - Fatuha, Distt.- Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Deo

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 17-07-2023 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 30(a) and 36 of the Excise Act.
3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 400 litres of liquor from an auto.
4. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is next submitted that petitioner, being owner of the auto, came to be implicated. It is next submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence



against himself and hence, would get implicated. It is next submitted that petitioner was completely unaware that driver of the auto Sudhanshu Rai, who was also apprehended from the spot, would misuse the vehicle in the manner as alleged.

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

6. 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 Special Judge Excise, Patna City, Patna in connection with Didarganj P. S. Case No.292 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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