

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44649 of 2023

Arising Out of PS. Case No.-197 Year-2022 Thana- SAHARSA SADAR District- Saharsa

Raja Kumar, Son Of Manoj Kumar @ Manoj Choudhary Resident Of Village-
Bengha, Ward No. 04, Ps-Sadar, Distt- Saharsa

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh
For the Opposite Party/s : Mr.Ajay Kumar No. 2

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), 41 of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and the allegation is of
recovery of 35 litres of liquor from a motorcycle.
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 he came to be implicated on the ground that he is owner of
the seized vehicle. 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 further submitted that petitioner was completely unaware that Kundan Kumar Chaudhari would misuse the vehicle in the manner as alleged as he was also arrested from the spot.

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. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise), Saharsa in connection with Saharsa Sadar P. S. Case No.197 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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