

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45517 of 2023

Arising Out of PS. Case No.-273 Year-2023 Thana- MALSALAMI District- Patna

Rajesh Chaudhary, S/O Shivalak Chaudhary R/O Village- Jalalpur, P.S-
Chiksaura, Distt.- Nalanda, At Present Resides At Mohalla- Jks/F38 Hd Old
Jkkapur, Kuan Par, Gardanibagh, P.S- Jakkanpur, Distt.- Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Ms.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-07-2023 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 has antecedent of one case and the allegation is of
recovery of 40 litres of liquor from two motorcycles.

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 one of the seized vehicles, 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 further submitted that the motorcycle was stolen prior to the occurrence for which F.I.R. was instituted as would be evident from Annexure-2 to the anticipatory bail application.

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 Exclusive Special Court of Excise, Patna City, Patna in connection with Malsalami P. S. Case No.273 of 2023, 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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