

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 52419 of 2023

Arising Out of PS. Case No.-224 Year-2023 Thana- CHHATAUNI District- East Champaran

SHAIENDRA KUMAR @ SALENDRA KUMAR @ SAMINDRA
KUMAR SON OF BINDESHWAR SAHANI R/O-DAROGA TOLA, WARD
NO. 4, P.S.-BANJARIYA, DISTT.-EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

1. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Excise Act.

2. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 36.6 liters of liquor from an auto.

3. Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on confessional statement of Golu and Sujeet in police custody which does not have any evidentiary value. The learned counsel next submits that petitioner is not the owner



of the seized vehicle.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that no pleading to that effect has been made in the anticipatory bail application.

5. 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 to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chhautauni P.S. Case No. 224 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, the learned trial Court before accepting the bail bonds of the petitioner shall verify the the ownership of the seized vehicle and in the event, if it is found that it belongs to the petitioner then in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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