

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53117 of 2023**

Arising Out of PS. Case No.-362 Year-2022 Thana- SULTANGANJ District- Bhagalpur

Vikash Kumar Saho @ Vicky Sawan @ Vicky Kumar Sahu @ Vikash Kumar Sahu @ Vikash Sahu, S/O Mahesh Prasad Sahu R/O Village- Khargdiha, P.S- Jamuwa, Distt.- Giridih Jharkhand.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Yogendra Kumar Singh

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

- 2 17-08-2023 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 Section 30(a) of the Excise Act.
3. The learned counsel for the petitioner submits that the petitioner has antecedent of three cases and the allegation is of recovery of 1300.32 litres of liquor from a Tata van and a Creta Car.
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 and he came to be implicated based on confessional statement of Anand Mohan Kumar in police custody, which does not have any evidentiary value. It is next submitted that petitioner is not the owner of any of the seized vehicle.



5. Learned A.P.P. opposes the bail application and submits that there is no pleading to the said effect in the anticipatory 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. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Exclusive Excise Court No.2, Bhagalpur in connection with Sultanganj P. S. Case No.362 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

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

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

