

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51894 of 2023

Arising Out of PS. Case No.-183 Year-2023 Thana- THAWE District- Gopalganj

SURENDRA KUMAR Son of Krishana Choudhary Resident of village -
Videsi Tola, P.S. - Thawe, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases.

4. Allegation is of recovery of 20.200 litres of liquor
from a motorcycle.

5. 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 the confessional statement of Mohan
Kumar and Ravindra Kumar in police custody which does not
have any evidentiary value in the eye of law.



6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that no pleadings have been made with regard to the seized vehicle i.e. whether the petitioner is the owner of the vehicle or not.

7. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Thawe P.S. Case No. 183 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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