

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9187 of 2023

Arising Out of PS. Case No.-139 Year-2022 Thana- LAKHNAUR District- Madhubani

Md. Kalimuddin, Son Of Md. Mustakim R/V- Ikhar Khopa, P.S- Phulparas,
Dist- Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 04-08-2023 1. The learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, during course of the day.
2. However, defect no.2 is ignored.
3. Heard learned counsel for the petitioner and learned APP for the State.
4. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 429, 467, 468, 471, 120(B)/ 34 of the I.P.C. and Sections 30(A), 32(i)(B), 36, 41(1) of the Excise Act.
5. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 1770.390 litres of liquor from a container, pick-up van and two motorcycles.
6. 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 Bhupesh Kumar in police custody, which does not have any evidentiary value, when admittedly petitioner is a person with clean antecedent. It is also submitted that petitioner is not the owner of any of the seized vehicles.

7. Learned A.P.P. opposes the bail application.

8. 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 Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with G. R. No.569 of 2022 arising out of Lakhnaur P. S. Case No.139 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

(Satyavrat Verma, J)

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