

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34469 of 2024

Arising Out of PS. Case No.-101 Year-2023 Thana- KALYANPUR District- Samastipur

Rakesh Kumar S/o Ganesh Kumar Rai R/o VILLAGE - DHANHAR, P.S. -
WARISNAGAR, DIST. - SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Singh, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 17-05-2024 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 offences punishable under Section 30(a), 32
(iii), 36/41(i) of the Bihar Excise Act.
3. Learned counsel for the petitioner seeks permission
to make rectification at para- 4(v) and 6 of the anticipatory bail
application.
4. Permission is accorded.
5. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 3270.6 litres of liquor from seven different vehicles,
as detailed in FIR.
6. Learned counsel for the petitioner submits that the



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 fact that he is owner of one of the seized vehicles. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated, it is further submitted that petitioner was completely unaware that the driver of the vehicle would misuse the vehicle in the manner as alleged as no prudent person would bring disrepute to his bussiness by indulging in such activity.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kalyanpur P.S. Case No. 101 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



9. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedents of the petitioner and in the event if it is found that the petitioner has antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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