

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20477 of 2024

Arising Out of PS. Case No.-26 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

Birendra Kumar Son of Randhir Singh Resident of vill.-Bhambhewa Beri,
P.S.-Dhinthas(Dujjana), Distt.-Jhajjar, (Hariyana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-03-2024 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 Sections 30(a), 32
and 41(1)(2) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 2646.72 litres from a truck.

4. 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 is a business man
and he came to be implicated based on the fact that he is owner
of the seized truck. 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 and at the same time, will bring disrepute to his business. It is further submitted that the truck was taken by one Jitendra Kumar on the pretext that he intends to purchase the truck and as such it appears that before the truck could be transferred in his name, he used the said vehicle for illegal purpose, when petitioner admittedly is a person with clean antecedents.

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

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 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 Durgawati P.S. Case No. 26 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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