

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26401 of 2024

Arising Out of PS. Case No.-178 Year-2023 Thana- NATIONAL HIGHWAY District-
Samastipur

=====

Santosh Kumar son of Prabhu Ray Village- Morwa Mohanpur Ps- Tajpur
Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Sinha
For the Opposite Party/s : Md. Iftekhar Mahmood

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 205-04-2024
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) 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 53.730 litres of liquor from a motorcycle.
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 he came to be implicated based on the fact that he is owner of the seized motorcycle. 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 Amlesh would misuse the vehicle in the manner as alleged, as he was also apprehended from the spot.

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 National Highway (Bangra) P.S. Case No. 178 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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 antecedent, in that event the present anticipatory bail order shall



not be given effect.

(Satyavrat Verma, J)

SUMIT/-

U			
---	--	--	--

