

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25439 of 2024

Arising Out of PS. Case No.-333 Year-2023 Thana- JANDAHA District- Vaishali

=====

Kundan Kumar, Son of Bhola Prasad Village- H. No. 47, Sahu Road, Near
Dipak Cinema, Bharatmata Lane Aahiyapur, P.S.- Aahiapur, District-
Muzaffarpur, Bihar- 842001

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shyam Nandan Thakur

For the Opposite Party/s : Ms.Gulnar Begum

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-04-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Section 30(a)
of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the allegation
is of recovery of 45 litres of liquor from a scooty.
4. 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 the fact that he is owner of the seized vehicle.
It is next submitted that no prudent person would use his own
vehicle for committing a crime and thus, would create evidence
against himself and hence, would get implicated. It is also
submitted that petitioner was completely unaware that Vijay



Kumar, his friend would misuse the vehicle in the manner as alleged as he was also apprehended at the spot.

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

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 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.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No.1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Jandaha P. S. Case No.333 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

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

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

