

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24681 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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Niraj Kumar @ Niraj Jaiswal S/o Sanjay Jaiswal @ Sanjay Prasad Jaiswal
R/o vill - Godwa, P.S. - Muffasil, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : M/s Abhishek Kumar, Hemant Ray, Advocates
For the Opposite Party/s : Mr Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 03-04-2024 Heard learned counsel for the petitioner and the
learned APP for the State.

2 The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30 (a), 32, 41 (1) of the Bihar Excise Act.

3 Learned counsel for the petitioner submits that the petitioner has no antecedent and allegation is of recovery of 14.625 liters of foreign liquor from a car. It is next submitted that the petitioner was not arrested from the spot and, as such nothing was recovered from his conscious possession and he is not the owner of the seized car. It is also submitted that the petitioner came to be implicated based on confessional statement of co-accused Raja Babu Kumar which does not have



any evidentiary value when petitioner, admittedly, is a person with clean antecedent.

4 Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

5 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 his furnishing 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 Mufassil PS Case No 18 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr P C.

6 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 even one antecedent, in that event, the present anticipatory bail order shall not be given effect.

(Satyavrat Verma, J)

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