

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38637 of 2024

Arising Out of PS. Case No.-98 Year-2021 Thana- GURARU District- Gaya

Aashik Kumar, S/O Ashok Ram @ Ashok Kumar R/O Village- Chhakan
Bigha, P.S- Tikari, Distt.- Gaya

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha

For the Opposite Party/s : Mr.Rabindra Kumar-(APP)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 17-05-2024 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 has antecedent of one case and the allegation is of
recovery of 23.25 litres of liquor from a motorcycle.
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 is not the owner of
the seized motorcycle.
5. Learned A.P.P. Sri Rabindra Kumar opposes the
anticipatory bail application and submits that though a



submission has been made that petitioner is not the owner of the seized vehicle, but then, from perusal of the order impugned, it appears that the liquor was recovered from the motorcycle 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 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. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2, Gaya in connection with Guraru P. S. Case No.98 of 2021, 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 more than one case, in that event, the present anticipatory bail application shall not be given effect to.

9. However, the learned trial Court before accepting



the bail bonds of the petitioner shall verify the ownership of the seized motorcycle and in the event, if it is found that motorcycle belongs to the petitioner, in that event, the present order shall not be given effect to and in the event, if petitioner is not the owner of the seized motorcycle, the present order shall be given effect to immediately.

(Satyavrat Verma, J)

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