

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33073 of 2024

Arising Out of PS. Case No.-78 Year-2023 Thana- KHUTAUNA District- Madhubani

Jaswant @ Jasant Son of Ramjivan Resident of Village - Nakhrtol, P.S.
-Kherki Daula, Distt. - Gurgaon, Haryana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-05-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 272, 273 of the IPC and 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2018 in connection with Khutauna
P.S. Case No.78 of 2023.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 2575.44 liters of liquor from a truck.

4. It is next submitted 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 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 would bring disrepute to the business. It is also submitted that petitioner was completely unaware that driver and khalashi would misuse the vehicle in the manner as alleged, when petitioner admittedly is a person with clean antecedent.

5. The learned APP for the State opposes the anticipatory 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, Jhanjharpur, Bihar in connection with Khutauna P.S. Case No.78 of 2023, subject to the conditions 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 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 order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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