

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40232 of 2024

Arising Out of PS. Case No.-359 Year-2024 Thana- Excise P.S. District- Aurangabad

Dilip Kumar, Son of Doman Choudhary Resident of village- Dudhela, P.S-
Barun, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-07-2024 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 Sections 30(a) and 32(3) 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 5.4 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 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 a crime and thus, would create evidence against himself and hence, would get implicated. It is further submitted that petitioner was completely unaware that Vishal Kumar Pandey 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-II, Aurangabad in connection with G.R. No.687 of 2024 arising out of Excise P. S.



Case No.359 of 2024, 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)

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