

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42857 of 2024

Arising Out of PS. Case No.-112 Year-2022 Thana- SANGRAMPUR District- East
Champaran

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Birju Kumar, Son Of Birendra Mukhiya @ Virendra Mukhiya, Resident Of
Vill- Koirgawan Bin Toli, P.S.- Sangrampur, District- East Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Jagdhari Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 26-07-2024 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), 32 and 41(1) 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 20 litres of
liquor along with other articles used for making
liquor from kiln of accused persons.
- 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 even alleged recovery is from a place, which does not belong to the petitioner and is accessible to public at large and it is specifically asserted and stated that petitioner is not the owner of any of the seized kiln.

5.Learned A.P.P. 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. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.01, East Champaran at Motihari in connection with Sangrampur P. S. Case No.112 of 2022, 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.

(Satyavrat Verma, J)

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