

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46342 of 2024

Arising Out of PS. Case No.-253 Year-2022 Thana- BELDOUR District- Khagaria

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Sumit Kumar SON OF SURENDRA SHARMA Village- Bela Nauvad, P.S.
-Beldaur, Distt. -Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 19-07-2024 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 Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 in connection with Beldaur P.S. Case No.253 of 2022.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and allegation is of recovery of 104.67 liters of liquor from a Scorpio vehicle.

4. It is next submitted 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 vehicle and he



came to be implicated at the instance of local person but then the name of the person who disclosed the name of the petitioner is not disclosed in the FIR, which cast an aspersion on the case of the prosecution.

5. The learned APP for the State opposes the anticipatory bail application and submits that it has not been pleaded in the anticipatory bail application that petitioner is not the owner of the seized vehicle.

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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge, Ivth-cum-Special Judge, Excise-II, Khagaria in connection with Beldaur P.S. Case No.253 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, the learned trial court before accepting the bail bonds of the petitioner shall verify the ownership of the seized vehicle and in the event, if it is found that the same is in the name of the petitioner, 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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