

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49600 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- GOVINDPUR District- Nawada

Prakash Kumar son of Srikant Singh Village- Kunj Po- Ohari Ps- Roh Dist- Nawada
.. ... Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Kumar Rajdeep, Adv.
Mr.Arvind Kumar, Adv.
For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2024 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 in connection with Govindpur PS Case No. 44/2024 for the offences punishable under Sections 30(a)/41 of the Bihar Prohibition and Excise Act, 2016.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the allegation is of recovery of 15 litres of liquor from a motorcycle and one Shiv Shankar Kumar was arrested. It is next submitted that the petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be implicated in the instant case based on the fact that he is owner of the motorcycle. It is further submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create an evidence against himself and hence would get implicated. It is also submitted that petitioner was completely unaware that Shiv Shankar would misuse the vehicle



in the manner as alleged who was also apprehended on the spot.

4. Learned A.P.P. opposes the bail application.

5. 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.10,00/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-1, Nawada in connection with Govindpur P. S. Case No. 44/2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

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 more than two cases, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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