

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49926 of 2024

Arising Out of PS. Case No.-677 Year-2019 Thana- KUDHNI District- Muzaffarpur

Kundan Kumar S/o Sri Virendra Singh R/o village- Anant Kamtaul PS
Kudhani District Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Rajeev Ranjan, Advocate
For the State : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-09-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 73 litres country made foreign liquor has been recovered from a Maruti Suzuki Car. Name of this petitioner has transpired on the basis of disclosure made by co-accused persons who were apprehended at the spot.

4. It is submitted by learned counsel for the petitioner that petitioner is neither owner nor driver of the vehicle in question and he has been made an accused in this case merely on the basis of confessional statement of co-accused persons



who were apprehended at the spot. Nothing has been recovered from conscious possession of this petitioner. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, the fact that nothing has been recovered from conscious possession of this petitioner and clean antecedents, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. II, Muzaffarpur, in connection with Kudhani P.S. Case No. 677 of 2019, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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