

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51739 of 2024

Arising Out of PS. Case No.-943 Year-2023 Thana- Excise P.S. District- Aurangabad

Ayodhya Singh, Son of Sineshwar Singh, R/O Vill.- Tona, P.s.- Mali, Dist.-
Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Singh

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-07-2024 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(1) and 32(3) of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of two cases and the allegation is
of recovery of 18 litres of liquor from a motorcycle and Manoj
Kumar was arrested.

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 the bike belonged
to one Brajesh Kumar, a police personnel, who disclosed that
the bike has been sold to the petitioner based on which he came



to be implicated. It is asserted and submitted that petitioner never purchased the bike from Brajesh Kumar, nor the ownership of the said vehicle is in the name of the petitioner, but police in order to save Brajesh Kumar falsely implicated the petitioner in the instant case.

5. Learned A.P.P. opposes the anticipatory bail application and submits that only a bald statement has been made that petitioner had not purchased the motorcycle from Brajesh Kumar.

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 Special Judge, Excise-II, Aurangabad in connection with Excise P. S. Case No.943 of 2023, 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 two cases, in that event, the present anticipatory bail application shall not be given effect to.

9. However, it is made clear that 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 vehicle is registered in the name of the petitioner, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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