

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53451 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- MANJHI District- Saran

Mithilesh Kumar S/o Shivilal Bin R/o Village - Kalan, P.S. - Manjhi, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-08-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that inadvertently at para 3 of the anticipatory bail application, it has been stated that petitioner is a person with clean antecedent when he has antecedent of one case.

4. Allegation is of recovery of 100 litres of liquor from a motorcycle.

5. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be implicated based on the fact that the motorcycle is registered in



the name of his mother. It is further submitted that petitioner came to be implicated at the instance of the local people but then submits that the police in majority of the cases implicate either at the instance of the Chawkidar or local person in a mechanical manner without holding the proper investigation. It is next submitted that no son would misuse the vehicle registered in the name of her mother. It is also submitted that petitioner was completely unaware that his neighbour would misuse the vehicle in the manner as alleged.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Manjhi P.S. Case No. 132 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting



the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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