

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54932 of 2024

Arising Out of PS. Case No.-158 Year-2023 Thana- HATHAURI District- Samastipur

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MUKUL PATHAK @ MUKUL KUMAR PATHAK SON OF BIMLESH
PATHAK R/V- VILLAGE- NANDE NAGAR BALAHA, P.S.- ROSERA,
DISTT.- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh

For the Opposite Party/s : Ms. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 31-08-2024 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 Sections 30(a), 41(1), 32(3) of Bihar
Prohibition and Excise Act, 2022 (Amended).
3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of recovery of
1215.72 litres of liquor from a truck. It is next submitted 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 he is owner of the seized vehicle. It
is next submitted that no prudent person would use his own vehicle
for committing an occurrence and thus would create evidence against
himself and hence would get implicated. It is also submitted that the



petitioner was completely unaware that his driver would misuse his vehicle in the manner as alleged.

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

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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Hathauri P.S. Case No.158/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedents of the petitioner and in the event 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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