

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63455 of 2024

Arising Out of PS. Case No.-163 Year-2024 Thana- GOVINDPUR District- Nawada

Mukesh Kumar @ Mukesh Sao, Son of Umesh Prasad Gupta @ Umesh Sao
Resident Of Village- Govindpur Upper Market, P.s.- Govindpur, District-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Ms.Meena Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-09-2024 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) and 41 of the Excise Act.

3. The learned counsel for the petitioner submits
that the petitioner has antecedent of one case and the
allegation is of recovery of 5.25 litres of liquor from the
possession of Pankaj Singh and one auto was also seized.

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 he



came to be implicated based on the fact that petitioner is owner of seized auto. It is next submitted that no prudent person would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated. It is further submitted that petitioner was completely unaware that Sachine Chaudhary would misuse the vehicle in the manner as alleged as he was also apprehended at the spot and was made to confess about the petitioner.

5. Learned A.P.P. opposes the anticipatory bail application.

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. 5,000/- (Rupees Five 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.163 of 2024, 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 one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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