

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66348 of 2024

Arising Out of PS. Case No.-417 Year-2024 Thana- SITAMARHI District- Sitamarhi

Manishankar Kumar Son of Dinesh Sah R/O-Village -Shahpur ward no. -1,
P.S. - Hathauri, Dist. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-09-2024 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, 30(a), 33 of the Bihar Prohibition and Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 1200 liters of spirit from a pickup vehicle.

4. It is next submitted that the petitioner was not
arrested from the spot and as such nothing was recovered from
his conscious possession and he is not the owner of the seized
vehicle and he came to be implicated based on confessional
statement of Niraj in police custody, which does not have any
evidentiary value.

5. The learned APP for the State 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. 500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2, Sitamarhi in connection with Sitamarhi P.S. Case No. 417 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. 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 even one case, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J.)

Sudhanshu/-

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