

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70483 of 2024

Arising Out of PS. Case No.-469 Year-2024 Thana- Excise P.S. District- Nawada

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Anish Kumar @ Anish Yadav, Son of Pintu Yadav Resident of Village-
Belaru, P.S. - Hisua, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manmohan Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-09-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 30(a), 44 and 47 of the Excise Act.

The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
allegation is of recovery of 100 litres of liquor from a
motorcycle.

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 is not the
owner of the seized motorcycle and he came to be



implicated based on confessional statement of Nitish Kumar in police custody, which does not have any evidentiary value, when admittedly petitioner is a person with clean antecedent.

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

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 Court Excise-2, Nawada in connection with Excise P. S. Case No.469 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

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 to.

(Satyavrat Verma, J)

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