

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72279 of 2023**

Arising Out of PS. Case No.-422 Year-2023 Thana- SARAIYA District- Muzaffarpur

SHIVAM KUMAR SON OF NIRAJ SINGH @ NIRAJ KUMAR SINGH  
RESIDENT OF VILLAGE - GORIGAVA, P.S. - SARAIYA, DISTRICT -  
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Jha

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      19-02-2024                      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 offences punishable under Sections 272, 273,  
420, 120B and 34 of the IPC and Sections 30(a), 32(2), 32(3),  
36, 41(1) and 42(2) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the  
petitioner is a person with clean antecedent and allegation is of  
recovery of 151.90 liters of liquor from an Ambulance.

4. Learned counsel for the petitioner submits that the  
petitioner was not arrested from the spot as such nothing was  
recovered from his conscious possession and he came to be  
implicated based on confessional statement of apprehended



accused in police custody which does not have any evidentiary value. It is next submitted that petitioner is neither the driver nor the owner of the Ambulance in question.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) 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 Saraiya P.S. Case No. 422 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

Rishabh/-

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