

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77271 of 2023

Arising Out of PS. Case No.-343 Year-2023 Thana- WARISNAGAR District- Samastipur

Banti Kumar @ Vanti Kumar @ Vivek Kumar Son of Jhingur Sah @
Umashankar Sah R/o vill - Bhagat Tola Musepur, P.O. and P.S. - Kalyanpur,
Distt. - Samastipur, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhigyan Kumar
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-02-2024 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 Section
30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of one case and the allegation is of
recovery of 329.4 litres of liquor from car and 09 litres of liquor
from motorcycle as detailed in the FIR. It is next submitted that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and petitioner is
neither owner nor driver of the seized car and the motorcycle.
He came to be implicated based on confessional statement of



one Vimlesh Kumar in police custody which does not have any evidentiary value.

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

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, 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 Special Excise Court- II, Samastipur in connection with Waris Nagar P.S. Case No. 5133018230343, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

(Satyavrat Verma, J)

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