

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5164 of 2024

Arising Out of PS. Case No.-715 Year-2023 Thana- SARAIYA District- Muzaffarpur

Niraj Kumar S/O Parmod Singh R/O VILLAGE- REPURA RAMPUR
BALLI, P.S.- SARAIYA (JAIPUR O.P.), DIST.- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-02-2024 1. Heard learned counsel for the petitioner as well as
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 272,273/34 of the Indian Penal Code of the IPC and Section 30(a), 32(ii), 32(iii), 36, 41 of the Bihar Prohibition and Excise Act.

3. Allegation is of recovery of 88.5 liters of liquor from a truck.

4. The learned counsel for the petitioner submits that the petitioner has antecedent of one case and allegation is of recovery of 88.5 liters of liquor from a truck. The learned counsel submits that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession. It is also submitted that petitioner is not the owner of the truck and



he came to be implicated in the confessional statement of the driver, Kamlesh Kumar 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. 5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Saraiya (Jaitpur O.P.) P.S. Case No.715 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

U		T	
---	--	---	--

