

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68437 of 2024

Arising Out of PS. Case No.-328 Year-2019 Thana- KARAHGAR District- Rohtas

Manish Kumar Son of Uma Shankar Prasad R/O Village- Chiraiyatand, Devi
Asthan, P.S.- Jakkanpur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-04-2025 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 Section 30(a) of the
Bihar Excise Act and Sections 25(1-b)a, 26 and 30 of Arms Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 5440.14 litres of liquor from various vehicles,
motorcycles, godown, as detailed in the FIR.

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. It is also submitted
that petitioner is not named in the FIR and his name transpired
in the case after four years of the occurrence being owner of one



of the seized motorcycles. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that riffle along with pistol and cartridges were recovered from Mahavir Sah. It is further submitted that no prudent person would use his own vehicle for committing an occurrence and would create evidence against himself and hence would get implicated. It is next submitted that it has been specifically pleaded at Para-7 that petitioner had exchanged his motorcycle under exchange offer from Chandan Automobile, Patna, through the sale executive of Chandan Automobile, namely, Mr. Niraj Kumar on 7-8-2019, accordingly in lieu of the exchange of the old motorcycle, the petitioner was given a new motorcycle bearing registration No. BR01EJ8643, which was financed by Sriram Finance Company. It is further submitted that though the petitioner acquired the new motorcycle based on exchange, but then the documents were not being given by Chandan Automobile with regard to exchange of the motorcycle, as such, the petitioner sent a legal notice, in reply whereof, it was informed that the motorcycle of the petitioner has been purchased by one Shiv Kumar Singh, as would manifest from Annexure-2 to the anticipatory bail application. The learned counsel thus submits that merely because the motorcycle of the



petitioner, which he had already exchanged, was seized at the place of occurrence, as such he came to be implicated in a mechanical manner. It is fairly submitted that no doubt the motorcycle of the petitioner was not transferred in accordance with law, but then police had a duty to investigate the case in its correct perspective.

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 **Provisional 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 Kargahar (Barhari O.P) P.S. Case No. 328 of 2019, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court 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 provisional anticipatory bail order



shall not be confirmed, but after verification if it is found that petitioner is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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