

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20733 of 2022

Arising Out of PS. Case No.-352 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

NAND KISHORE S/o Chhadawi Lakhu Khan R/o Chhadami House No. 237
Village - Bamarauli Katara, P.S. - Bamarauli Katara, District - Agra- (U.P.)-
282006.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420, 467 and 468 of the Indian Penal Code and Sections 30(a), 36 and 41 (i) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 2088.36 liters of liquor from a truck.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and the petitioner being owner of the truck came to be implicated, it is further submitted that the truck was booked for carrying agricultural



products but it appears that the driver of the vehicle along with the *khalasi*, without knowledge of the petitioner, kept the aforesaid liquor illegally in the truck, it is next submitted that admittedly nothing was recovered from the conscious possession of the petitioner and the truck has already been seized.

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

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. 5,000/- (Rupees Five Thousand) each 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 Mohania P.S. Case No. 352 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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