

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35809 of 2022

Arising Out of PS. Case No.-571 Year-2021 Thana- PHULWARISHARIF District- Patna

MD ANWAR @ MD ANBAR S/O MD. SHAMIM RESIDENT OF BAAGH
MOHALLA, ISHOUR, PHULWARI SAHRIF, P.S.- PHULWARI SHARIF,
DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shadab Akhter, Advocate

For the Opposite Party/s : Mr.Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Since the present anticipatory bail application has been
restored vide order dated 21.09.2022 in Cr. Misc. No. 50457 of
2022 as such the case is being taken up on its merit.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30(a) 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 41.325 liters liquor from a house and 1.125 liters
liquor from a scooty which was parked at the door of the said
house.

Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot as such nothing was



recovered from his conscious possession, it is next submitted that the house from where the alleged recovery was made does not belong to the petitioner rather the petitioner had gone to meet the landlord of the house for taking the premises on rent and had parked his scooty outside and it appears that someone misused the parked vehicle by keeping a small amount of liquor, it is next submitted that the house belongs to Md. Ziaul.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Phulwari Sharif P.S. Case No. 571 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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