

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38497 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- AMAS District- Gaya

ANWAR HASAN @ MD ANWAR HASAN Son of Enayat Mian Resident of
Village - Beri , P.s.- Barachatti, and Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 384, 386, 365, 34 of the Indian Penal Code and under Section 50 of the Bihar Prohibition & Excise Act. .

As per the prosecution case, 4000 liters of spirit was being carried on the truck of informant and when the truck reached near the village a Scorpio in which five persons, including this petitioner were sitting, overtook the informant's truck and demanded money. They released the vehicle only after taking Rs. 1,25,000/- from the informant's boss.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is further submitted that petitioner himself became



victim of the circumstance because he was sitting in the vehicle otherwise he has got no concern with the alleged occurrence in any manner. It is next submitted that no case u/s 50 of the Excise Act is made out against this petitioner because no recovery has been made from the vehicle or possession of this petitioner.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that petitioner is named in the FIR and from perusal of the FIR it is apparent that petitioner was one of the persons who were sitting in the Scorpio and they released the truck only after taking Rs. 1,25,000/-. Petitioner has got criminal antecedent.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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