

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47094 of 2022

Arising Out of PS. Case No.-353 Year-2021 Thana- GORAUL District- Vaishali

Mishkal Ahmad, Son Of Late Abdul Hamid Resident Of Village - Nadeem
Colony Near Hina Maszid, Saharanpur, Distt.- Saharanpur, Uttar Pradesh
... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey
For the Opposite Party/s : Ms. Asha Devi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 272,
273, 420, 467, 468, 471 and 34 of the I.P.C. and Sections 30(a),
32(1), 32(3), 36, 41(1), 41(2) of the Excise Act, 2018.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of recovery of 1589.400 litres of liquor from a truck and
1124.64 litres of liquor from a pick-up van.

The 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 next submitted
that he came to be implicated on the ground that he is owner of
the truck. It is next submitted that petitioner was completely



unaware that the driver of the truck would misuse the vehicle for such illegal purpose. It is next submitted that no prudent businessman would indulge in any illegal activity knowing well that the vehicle is registered in his name and the same would create evidence against him.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Goraul P. S. Case No.353 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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