

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53105 of 2022

Arising Out of PS. Case No.-349 Year-2019 Thana- JAYNAGAR District- Madhubani

Md Mumtaz Son Of Md. Muslim Rain Resident Of Village - Akaunha, P.S.-
Deodha, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-11-2022 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 272, 273 of Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act.

There is recovery of 21 litres of illicit Liquor from a motorcycle. The driver of the motorcycle fled away from the place of seizure. The petitioner is the owner of the alleged motorcycle.

It is submitted by learned counsel for the petitioner that petitioner was not apprehended from the spot. Nothing has been recovered from the conscious possession of the



petitioner. The name of the petitioner has surfaced only because he is the owner of the said motorcycle. It is also submitted that petitioner has purchased the motorcycle from other person and later he has returned the said motorcycle due to lack of money. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing on behalf of the State vehemently opposed the prayer of petitioner and submitted that the petitioner is the present owner of the aforesaid motorcycle.

The petitioner is directed to deposit a sum of Rs. 5,000/-(Rupees Five Thousands) in the District Legal Services Authority, Madhubani.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with Jaynagar P.S.



Case No. 349 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 5,000/-(Rupees Five Thousands) in District Legal Services Authority, Madhubani.

(Sunil Kumar Panwar, J)

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