

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66747 of 2022

Arising Out of PS. Case No.-452 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

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ARSAD ALAM @ ARSHAD SAIFI @ ARSHAD SAIFEE Son of Late
Shaifur Rahman @ Saifiur Rahman @ Saifur Rahman Resident of Village -
Sakari, P.S.- Sakari, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Chandrabhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and

learned A.P.P. for the State through virtual Court

proceedings.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a)
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 940.680 liters of liquor from a Tata pickup
vehicle.

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 petitioner is the owner of the seized vehicle, as such, he came to be implicated in a mechanical manner, it is next submitted that petitioner was completely unaware that driver of the vehicle would misuse the vehicle in the manner alleged, it is next submitted that no prudent man would give his own vehicle for committing an offence and thus creates evidence against himself. Learned counsel also submitted that said pickup van was sold to one Ugranath Prasad in 2013.

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 Darbhanga Sadar (Bhalpatti O.P.) P.S. Case No. 452 of



2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has any criminal antecedent then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

GauravSinha/-

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