

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62514 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- KHAGAUL District- Patna

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PRAKASH CHANDRA S/o Late Bhola Prasad R/o -M-10/63, AR1, Japyees
Nagar, Kakarmatta, Bajardiha, P.S.- Bhelupur, Distt- Varanasi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2022 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 Section 30(a) of the Bihar
Excise Act.

Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and allegation is of recovery
of 57.5 litres of liquor from a Maruti Suzuki Swift Dezire Car.

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 a resident of Uttar Pradesh and has a valid liquor
license, as would be evident from Annexure-2 to the anticipatory
bail application, it is also submitted that petitioner being a
shopkeeper of liquor came to be implicated as it was disclosed by



the apprehended accused that they had purchased the liquor from the petitioner. The learned counsel for the petitioner further submits that selling and consuming liquor is an offence in the State of Bihar, but is not an offence in the adjacent State, this shows how police in Bihar in a mechanical manner institutes FIR and falsely implicates innocent person when admittedly petitioner has a license granted by the Government of Uttar Pradesh for selling liquor.

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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khagaul P.S. Case No. 141 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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