

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68917 of 2022

Arising Out of PS. Case No.-251 Year-2021 Thana- AAJAM NAGAR District- Katihar

MD. SAFIKUL @ SK. SAFIKUL @ HAJI SAFIKUL Son of Md. Habibul @
Sk. Habibul Resident of- Dhena, P.S.- Azamnagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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 is a person with clean antecedent and allegation is of
recovery of 82.300 liters of liquor from two motorcycles and from
the motorcycle of petitioner, it is alleged that 17.2 liters of liquor
and 46 liters of beer were recovered.

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 also submitted that
petitioner had sold his bike about two years back as would be
evident from Annexure-2 to the anticipatory bail application.



Learned counsel further submits that no prudent man would use his own vehicle for committing an occurrence and thus would create evidence against himself.

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. 1,000/- (Rupees One 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 Ajamnagar P.S. Case No. 251 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)

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