

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23217 of 2023

Arising Out of PS. Case No.-111 Year-2021 Thana- BIHRA District- Saharsa

MD. SARFRAJ AHMAD Son of Md. Junab Resident of Mohalla- Gangjala,
Ward No.-15, Sant Nagar, Near-Kabir Chowk, P.S.- Saharsa, District- Saharsa
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Learned counsel for the petitioner submits that the defects,
as pointed out by the office, shall be removed within a period of three
weeks from today.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 30(a), 38(1) and 41(1) of
the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent.

Allegation is of recovery of 10 litres of liquor from the
house of Vishnu Dev Yadav and 121.500 litres of liquor was
recovered from i-10 Car which was parked in front of the house of
Pintu Yadav.

Learned counsel for the petitioner submits that petitioner
was not arrested from the spot, as such, nothing was recovered from



his conscious possession and he came to be implicated based on the fact that he is owner of the seized vehicle. It is further submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that petitioner was completely unaware that his neighbour would misuse the vehicle in the manner as alleged when he had taken the car for taking some medicine.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bihra P.S. Case No. 111 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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