

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17486 of 2023

Arising Out of PS. Case No.-245 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

SHIV HARIJAN Son of Late Hari Ravidas R/O Village - Ward No.- 13,
Tintanga, P.S.- Gopalpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chaitanya Krishna, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-05-2023 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 Sections 30(a) and 32(ii) 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 399.96 liters of liquor from a Tata Magic along with a Scorpio vehicle.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession, it is next submitted that petitioner is in Jharkhand Police and he came



to be implicated as the Scorpio vehicle belongs to him. The learned counsel next submits that no government servant would use his own vehicle for committing such illegal act and thus would get himself implicated easily based on the ownership of the vehicle, it is also submitted that no government servant would indulge in act which would ruin his career. It is further submitted that the son of the petitioner was driving the Scorpio vehicle and he even got arrested when liquor was recovered, but since the vehicle belongs to the petitioner, as such he came to be implicated.

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) 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 Industrial Area P.S. Case No. 245 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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