

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17021 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- MAHUA District- Vaishali

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PRAHLAD KUMAR SON OF SRINIVASH CHOUDHARY RESIDENT OF
VILLAGE - RAHIMPUR CHOUDHARY TOLA, P.S. - MUFFASIL. P.O. -
RAHIMPUR, DISTT. - KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-05-2023 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 272, 273/34 of the Indian Penal Code and Sections 30(a) and 41(i) 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 39 litres of liquor from a truck and the driver along with Khalasi was arrested.

Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted that petitioner is a businessman and no prudent businessman



would use his own vehicle for committing a crime and thus would create evidence against himself and hence would get implicated when admittedly petitioner is a person with clean antecedent. It is next submitted that a meager amount of liquor was recovered from the truck which amply demonstrates that the driver along with the Khalasi was instrumental in committing the occurrence.

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 Mahua P.S. Case No. 20 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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