

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21588 of 2023**

Arising Out of PS. Case No.-1113 Year-2022 Thana- BARACHATTI District- Gaya

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MADAN KUMAR @ MADAN PRASAD SON OF BALDEV PRASAD
MEHTA RESIDENT OF VILLAGE - MAHKAMPUR, P.S. -
BARACHATTI, DISTT. - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-05-2023 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 37 of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case but in the said case, he was acquitted and allegation is of recovery of 2 liters of liquor from a poultry farm.

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 came to be implicated as the poultry farm belongs to the petitioner, it is next submitted that no



prudent person would keep any illegal articles within his premises and thus would get implicated easily, it is also submitted that it appears that someone out of animosity threw two liters of liquor within the premises of the poultry in order to implicate the petitioner, when admittedly petitioner is a person with clean antecedent as he was acquitted in the case in which he was implicated as recorded hereinabove.

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 to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barachatti P.S. Case No. 1113 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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