

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27173 of 2023

Arising Out of PS. Case No.-70 Year-2022 Thana- EAST COLONY District- Munger

ROHIT KUMAR Son of Manoj Kumar Yadav Owner of Apache Motor
Cycle, Registration No. BR034L 3270, son of Manoj Kumar Yadav, resident
of village - Sahapur, P.O. - Narayanpur, P.S. - Narayanpur, Distt. - Bhagalpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Choudhary, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2023 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 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 11.85 liters of liquor as detailed in the FIR.

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 he is owner of
the motorcycle which was seized, it is also submitted that no
prudent person would misuse his own vehicle for committing a



crime and thus would create evidence against himself, it is further submitted that petitioner had lent the motorcycle to his friend Mukesh who got arrested when alleged recovery was made, as such, petitioner was completely unaware that the vehicle would be misused by his friend in the manner as alleged in the FIR, when admittedly petitioner is a person with clean antecedent.

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 Munger P.S. Case No. 70 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

U		T	
---	--	---	--

