

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25759 of 2023

Arising Out of PS. Case No.-496 Year-2022 Thana- NARHATT District- Nawada

MD. JABIR HUSSAIN Son of Md. Jawed Hussain @ Javed Alam Resident
of Village - Bahadurganj (Basti Bigha), P.S.- Hisua, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 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 Section 30(a) 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 28 liters of liquor from a motorcycle.

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 the motorcycle of the petitioner was stolen a year
back for which the petitioner had approached the concerned P.S.
but the FIR was not taken, it is next submitted that since the



motorcycle was stolen, as such, the petitioner had no concern with the motorcycle.

Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad opposes the prayer for anticipatory bail of the petitioner and submits that it absolutely does not stand to reason that if the motorcycle of the petitioner was stolen a year ago prior to the occurrence and no FIR came to be instituted, this amply demonstrates that the petitioner is taking a bold plea to save himself. It is further submitted that this amply demonstrates that the petitioner was in connivance. It is next submitted that since no FIR was instituted, as such, it cannot be presumed that the motorcycle of the petitioner was stolen and thus the petitioner is taking a false plea which connects him with the offence

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the anticipatory bail of the petitioner is thus rejected.

(Satyavrat Verma, J)

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