

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28169 of 2023

Arising Out of PS. Case No.-86 Year-2022 Thana- PAKRIDAYAL District- East Champaran

MADAN PRASAD Son of Late Bhagat Prasad Resident of village-Semari
Tola Mjhar, P.S.-Pakaridayal, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-05-2023 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 and 34 of the Indian Penal Code and 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 94.05 liters of liquor from a bamboo plantation of petitioner.

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 being owner of the bamboo plantation he has been implicated mechanically by the police at the instance of the *Chowkidar*, when admittedly petitioner is a person with clean antecedent. It is next submitted that *Chowkidar* with a view to save the real culprits implicated the petitioner in the case, it is next next submitted that no doubt the orchard belong to the petitioner, but then it is an open space accessible to villagers at large and, as such it cannot be with alleged certainty that it was petitioner who had kept the liquor in the orchard, as no prudent person would use his own land for committing an offence and thus would create evidence against himself and hence would get implicated easily.

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 Pakaridayal P.S. Case No. 86 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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