

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27344 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- ARARIA District- Araria

MAYANAND BAHARDAR Son of Late Sahdev Bahardar R/V- Kabilasi
Ward no. 7, Khawaspur PS-Simrahi, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

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 30(a), 38, 41 and 44 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 75 litres of liquor from a motorcycle kept in sacks.

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 came to be implicated based on the confessional statement of Deepak Kumar in police custody which does not have any evidentiary value in the eye of law. It is next submitted



that petitioner is the owner of the motorcycle. It is also submitted that no prudent person would use his own vehicle for committing a crime and thus would get implicated easily. It is further submitted that petitioner had given his motorcycle to Deepak Kumar and thus was not aware that he would misuse the vehicle in the manner as alleged.

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 Araria (R.S.) P.S. Case No. 170 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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