

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33425 of 2023

Arising Out of PS. Case No.-91 Year-2017 Thana- SONEPUR District- Saran

NOKHIYA RAI @ NOKHI RAI Son of Amirchand Rai Resident of village -
Babukhani, P.S. - Sonepur, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-05-2023 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 Sections 30(1), 33, 33(a), 36, 41, 47, 52 of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner has antecedents of ten cases and allegation is of recovery of 30 liters of liquor from three different locations 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 the petitioner because of his antecedents is being implicated falsely in cases after cases, it is next submitted that



he came to be implicated based at the instance of the villagers but then the name of the villagers is not recorded in the FIR who disclosed the name of the petitioner which amply demonstrates that the police falsely implicated the petitioner by recording that his name transpired in the statement of villagers, it is also submitted that the alleged recovery is from the places which does not belong to the petitioner.

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. 25,000/- (Rupees Twenty Five 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 Sonapur P.S. Case No. 91 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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