

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32012 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- MADANPUR District- Aurangabad

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SANJAY YADAV SON OF SURYADEO YADAV Resident of Village-
Palakiya, P.S.-Madanpur, District-Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STAE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2023 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), 34 and 36 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 35 litres liquor from a vehicle and a motorcycle was also seized.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and he came to be implicated being owner of the motorcycle, it is further submitted that no prudent person would use his own vehicle for



committing an occurrence and thus would get implicated by creating evidence against himself when admittedly the petitioner is a person with clean antecedent, it is next submitted that petitioner was completely unaware that his friend would misuse the vehicle in the manner as has been alleged in the FIR.

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 Madanpur P.S. Case No. 97 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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