

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34583 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- GAUTAMBUDHNAGAR District- Siwan

ANIL YADAV Son of Singhasan Yadav @ Sinhasan Chaudhary Resident of
Village - Sakra, P.S.- G.B. Nagar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Ms. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-06-2023 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 20 liters of liquor from a motorcycle and 20 liters of liquor was found near a tree at Sakra Market.

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 even alleged recovery is from a place which does not belong to the petitioner and petitioner is not the owner of the



motorcycle.

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 to the satisfaction of the learned trial court where the case is pending/successor court in connection with G.B. Nagar P.S. Case No. 83 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, the learned District Court before accepting the bail bonds of the petitioner shall verify whether petitioner is the owner of the motorcycle or not and in the event, if it is found that petitioner is owner of the motorcycle then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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