

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37367 of 2023

Arising Out of PS. Case No.-76 Year-2021 Thana- DARBHANGA District- Darbhanga

DHARMENDRA KUMAR Son of Satnarayan mahto @ Satyanarayan Mahto
Resident of village - Chhipaliya, P.O. - Milkichak, P.S. - Sadar, Distt. -
Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-06-2023 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 Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with one antecedent and allegation is of recovery of 8.220 liters of liquor from a motorcycle and 15.120 liters of liquor from another motorcycle.

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 petitioner being owner of one of the seized vehicle came to be implicated. It is further submitted that no prudent



person would use his own vehicle for committing an occurrence and thus would create evidence against himself and thus would get implicated.

The learned counsel for the petitioner next submits that the petitioner was completely unaware that his neighbour 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five 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 Town (Kotwali O.P.) P.S. Case No. 76 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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