

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40594 of 2023

Arising Out of PS. Case No.-460 Year-2023 Thana- KAHALGAON District- Bhagalpur

SUBHASH CHANDRA KUMAR Son of Late Badri Narayan Sharma
Resident of Village - Rampur Basa, P.S.- Gwalpara, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-07-2023 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 clean antecedent and allegation is of recovery of 55.02 litres of liquor from a Scorpio vehicle and 129 litres from another Scorpio vehicle.

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 being owner of one of the vehicles, he came to be implicated. 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, it is next submitted that the petitioner was completely unaware that the driver of his vehicle 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 her 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 Kahalgaon (Ghogha) P.S. Case No. 460 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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